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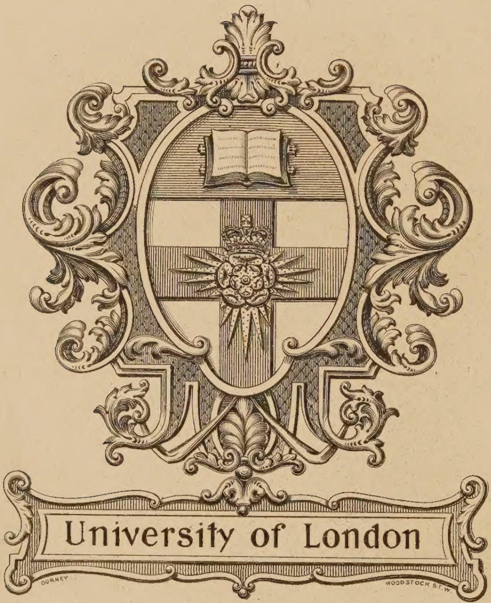
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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

13° & 14° VICTORIÆ, 1850.

VOL. CXIII.

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TO
THE FIFTEENTH DAY OF AUGUST, 1850.

Sixth and last Volume of the Session.

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The Ayes and the Noes on the Amendment of Mr. G. Thompson, to the Order of the Day for the Third Reading of the Crime and Outrage Act (Ireland) Continuance (No. 2) Bill ... 1025

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE
THIRD SESSION OF THE *FIFTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 21 SEPTEMBER, 1847, AND FROM THENCE
CONTINUED TILL 31 JANUARY, 1850, IN THE THIRTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SIXTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Friday, July 19, 1850.

MINUTES.] PUBLIC BILLS.—2^{a} Incorporation of Boroughs Confirmation (No. 2); Militia Ballots Suspension; Population; Population (Ireland); Ecclesiastical Jurisdiction; Linen, &c., Manufactures (Ireland); Loan Societies.
3^{a} Inspection of Coal Mines; Factories.

THE PROTECTIVE SYSTEM.

LORD STANLEY presented a petition signed by upwards of 16,000 landowners, occupiers of land, manufacturers, traders, and artisans of the County Palatine of Lancaster, complaining of the injurious effects of free trade, and praying for a restoration of protection. The noble Lord stated that the petition would have been signed by a much larger number of persons, had it not been for a system of intimidation which had been carried on to a most disgraceful extent, for the purpose of preventing persons signing the petition, under the threat of withdrawal of custom. He had seen a number of letters written by persons who had signed the petition, requesting that their names might be erased upon that account. He also held in his hand a printed declaration of a farmer, who had lost a great number of his customers for milk, in consequence of its being supposed that he had signed the petition, in which he most solemnly delared that he had not done so. Their Lordships would judge from this, of the extent of the intimidation which had been brought to bear upon these subjects, and which, in his opinion, afforded a sure indication of a consciousness of a losing cause on the part of those who resorted to such conduct. He had also a petition to present to the same effect, from the owners and occupiers of land in the hundred of Rochford, in Essex.

LORD BROUGHAM cordially joined with his noble Friend in expressing his clear and unhesitating disapproval of any attempt to interfere with the most perfect freedom of the right of petitioning; he hoped that there was some exaggeration as to the extent of the interference complained of by his noble Friend.

EARL GREY concurred in the opinion just expressed, as to the impropriety of any such proceeding as that of interfering with the right of petitioning. He could not, however, help remarking that, when the noble Lord stated that he saw in such conduct an evidence of a losing cause, it was quite possible that it might also be evidence of something else. When they found that the farmer referred to by the noble Lord, whose sale of milk was obviously most to the working classes, they being the greatest consumers of that article, had sustained a falling-off in his custom, it might be that the working classes in his neighbourhood, in common with those of the whole country, felt fully convinced of the inestimable advantages which they had derived from free trade, and had resented by the withdrawal of their custom any attempt to reimpose restrictions upon their industry and comforts.

The Duke of RICHMOND complained that this system of intimidation had been at work for a long period, but that they had not been able to obtain complete proofs of it until recently. He joined in the opinion expressed by his noble Friend, that no persons would resort to such conduct who did not feel that their cause was getting weaker and weaker every day.

Read and ordered to lie on the Table.

INSPECTION OF COAL MINES BILL.

Bill read 3ª, according to Order.

On Question, "That the Bill do now pass,"

Lord BROUGHAM objected to the Bill on the ground that it would be an unjustifiable interference with the rights of labour and of property. He conceived that Parliament was not justified in interfering in the regulations of master and employer, unless the protection of certain classes of the people imperatively required it. In the case of interference in the labour of children and women in factories, some case might possibly have been made out for interference; but no such case had been made with respect to coal mines. As to prevention of accidents, there were no parties so much interested in preventing them as the owners of the mines themselves; and the appointments of inspectors of these mines would be both unnecessary and injurious. His Lordship concluded by moving to insert "this day three months," instead of "now."

The Earl of CARLISLE trusted their Lordships would think that the principle of this Bill was justified by the special nature of the case, the appalling number of accidents that had occurred, and the numerous recommendations in its favour from all parties who had inquired into the subject.

The Earl of LONSDALE opposed the Bill, considering that it would prove a great annoyance to coalowners.

On Question, whether the word "now" shall stand part of the Motion; Resolved in the *Affirmative.*

Bill passed and sent to the Commons.

BREACH OF PRIVILEGE — LIVERPOOL CORPORATION WATER WORKS BILL.

Order made on Tuesday last, for the attendance of Joseph Byrne, Joseph Hinde, and Duncan M'Arthur, at the bar of the House this day read.

The Earl of EGLINTON stated, that only two of the persons charged with the offence were in custody, and begged, therefore, to postpone the calling of the parties to the bar until Monday.

The LORD CHANCELLLOR said, he had suggested to the noble Earl, and also begged to suggest to their Lordships, that a question might arise as to how far they could act upon the evidence given in this case. They had only the evidence of the parties themselves, and it would be expedient to have some persons in attendance to prove the handwriting of the parties.

Lord BROUGHAM: We always act upon the person's own answer. It is not necessary to call witnesses to prove the handwriting. The party charged is called to the bar, and is made aware of the charge against him, and he either confesses or denies. If he confess, we then deal with him upon his confession. If he denies, then evidence is called; but it is not necessary to call evidence before the party has been placed at the bar.

The LORD CHANCELLOR: What the noble Lord says is correct in one view—where the offence is found by a Committee, or where the offence is apparent on unobjectionable evidence. Then the course is to let the party hear the evidence read, and then ask him for an explanation. But the point in this case is—there is no evidence to affect the party except his own. It appears that there are many names to the petition, all in one handwriting, and when proof of that handwriting is given, there is little occasion to refer to the evidence of the parties.

The Earl of EGLINTON: There are two gentlemen who tender their evidence if called upon, who were instrumental in getting up the petition.

Lord BROUGHAM: That would be

altering the whole course of practice. We must not alter our proceedings now, when we have examined the parties who have confessed before the Committee.

The Earl of EGLINTON: I now move that the order be discharged.

The Earl of MINTO having said a few words,

Lord BROUGHAM proceeded to add: I must say I cannot at all consent to this total innovation on our ordinary course of proceeding. That ordinary course of proceeding is that the parties themselves should be called to be bar, and if they denied the charge made against them, to call witnesses, but not till then. If they admitted the charge, of course no evidence was required.

The LORD CHANCELLOR: What my noble and learned Friend has suggested relates to the course of proceeding generally adopted where there has been a report of a Committee that has fixed a charge. In that case you tell the party what he is charged with, and ask him what he has to say; but where there is no report charging any individual, the case is totally different. If your Lordships read the report in this case, you will find no names are mentioned, no particular individuals are described.

Lord BROUGHAM: The report does not state the names of persons, but it states that certain individuals committed a certain act, which is a gross breach of privilege, and the parties having been ordered to attend before the Committee, were examined. One of the parties (Duncan M'Arthur) had those questions put to him and gave the following answers: "You say you brought in four or five sheets?"—"Yes." "Were any of those names written by yourself?"—"A good many of them." That is a breach of privilege.

The Earl of EGLINTON: I now move that the parties be ordered to attend on Monday next.

Motion agreed to, and previous Order discharged.

FACTORIES BILL.

Earl GRANVILLE moved that the Bill be now read 3ª, and said, that it had been so amply discussed the other evening, that he would not trouble their Lordships with any further observations on it.

The Duke of RICHMOND moved that the Bill be read a third time that day six months. No doubt the Ten Hours Act had been productive of very great benefit, and that the compromise now proposed would in a great degree preserve the advantages of that Act; still it increased the period of labour during the week by two hours and a-half, and it also materially interfered with the half-holiday on the Saturday. One effect of that would be, to postpone the dinner-hour to a later period on that day, by which the men would become exhausted, and would be driven to the beershops to get some stimulant, and when once they were there, they would remain. Although, upon principle, he was prepared to go further than the present Bill, still he could not bring himself to vote for the clause which his noble Friend (the Earl of Harrowby) intended to propose respecting young children, because that would require a great many other alterations. It was, however, a fit subject for consideration; and in the course of next Session he should move for a Committee to inquire into the working of the relay system. He would not divide the House on the present occasion, but would content himself with entering his protest against the Bill as it at present stood; because he considered the people would be very ill treated by an extension of the hours of labour. Those who thought this would be a final measure, would find, to their astonishment, that the factory operatives would not allow the matter to rest until full justice had been done both to them and their children.

Lord KINNAIRD denied that the working classes would be ill treated by this Bill, and was of opinion that the petitions which had been presented by the noble Duke against it, should not be considered as a proof of the general feeling of the operatives. He believed that if the clause intended to be proposed respecting young children should be inserted in the Bill, a vast majority, both of the manufacturers and of the operatives, would be satisfied with the measure.

Lord REDESDALE said, that this measure had been called a compromise, but it had not been explained with whom it was that this compromise had been entered into. It was distinctly stated that the operatives had not made it; and it had been as firmly said, on the part of the manufacturing body, that they had not.

Earl GRANVILLE reminded their Lordships that, on a former occasion, he had stated that he did not consider this measure to be a compromise. There existed a very general objection to the shift system, and it was to remedy the evils arising from that system that the Bill had been introduced.

On Question, that the word "now" stand part of the Motion; Resolved in the *Affirmative.*

Bill read 3ª.

The Earl of HARROWBY then brought up a clause, to the effect that the female children employed in factories should work from six in the morning to one in the afternoon, including half an hour for meals; and that the male children should be employed from two in the afternoon to half-past eight, also including half an hour for meals. The effect of this Amendment would be to obviate the evil of leaving the female children to work, as the Bill at present proposed they should, two hours and a half later at night than the women and young persons, who were to work from six to six; so that these young females, at their tender age, would be left behind by their natural protectors, their brothers and sisters, and would have to work until half-past eight with the adult males. It would be quite impossible that such a state of things should continue; and if they wished to have a final settlement of this question, it could only be obtained by assenting to his Amendment, which, whilst it would prevent the interruption of the family arrangements that must ensue by the junior members of the household being kept in the mills behind their relatives, would practically be no new restriction on the employment of the male adults. The noble Lord concluded by moving the adoption of his clause.

A Noble LORD believed the Government did not oppose this Amendment from any want of sympathy with the children, and he thought the noble Earl (the Earl of Harrowby) had better bring in a separate Bill to effect his object.

Earl GRANVILLE said, that it was very much upon the ground stated by the noble Lord that the Government had opposed the proposition now again brought forward. He had been informed that if this Amendment were adopted by their Lordships, there would be considerable danger of the Bill being rejected altogether when sent down to another place. It should be remembered that all the evils which had been described as arising out of the want of such a clause as this in the Bill, were hypothetical evils. There was no evidence that any such evils had happened, or were likely to happen. Last year both the manufacturers and the operatives were of opinion that it would be better not to have any new legislation in regard to children. But if any of the hypothetical cases which had been stated should become verified, it would then become the duty of the Legislature to consider whether some distinct measure as to the employment of children might not be introduced. But he hoped the noble Earl would not, at this stage of the measure, attempt to introduce fresh matter into the discussion.

Lord KINNAIRD was afraid that the postponement of the question until next Session would tend to increase agitation during the recess. At a large meeting of delegates from the different operatives, the question was mooted how children would be employed under the new Bill; and it was then stated that they would be employed in lieu of young persons. It was also alleged that there were several manufacturers who were already preparing to work their mills in that manner. What the better class of manufacturers desired was such an uniformity as would prevent the less scrupulous from evading the law.

The Bishop of MANCHESTER was compelled, by an imperative sense of duty, to support the Amendment. It had been objected that the time for bringing it forward was inexpedient. It was because he believed that this Bill would be a final settlement of this long-agitated question that he supported the Amendment. The noble Earl at the head of the Board of Trade said, that the evil contemplated was hypothetical. On that subject he differed from the noble Earl. The state of things which the Bill would introduce, in its present shape, was no less certain than lamentable. By the Bill as it stood, the mills would be open from half-past 5 in the morning until half-past 8 in the evening. , Female children would be compelled to go to work without the protection of their mothers and elder sisters at half-past 5 in the morning; while, if they commenced work after dinner, they might be kept at the mill with adult males until half-past 8 in the evening—the definition of "adult male" being any person above 18 years of age. Could a right-minded mother or elder sister be happy or comfortable when the younger daughter or sister was left to seek a home in the company of adult males, with whom, perhaps, she had to walk home for a considerable distance? If the Amendment of the noble Earl were carried, there would be scarcely any alteration in the existing practice of the mills; and he hoped their Lordships would rescue female children from the perilous danger with which they were threatened, and leave the work after 6 o'clock to be performed by those who were, by their constitution, the best fitted to endure both that and the inclemency of the winter evenings. There were one or two minor considerations which led him to support the Amendment. The noble Earl (Earl Granville) said, that if the anticipated evils should arise, it would be time enough to remedy them in the next Session. He (the Bishop of Manchester) asked their Lordships to prevent them. He believed that in every step which they had taken with regard to the questions, except this most unhappy one, Her Majesty's Government had been influenced by an earnest desire to consult the interests of all parties; and in this Bill they were merely carrying out the principle on which the Legislature had heretofore acted of protecting those who were unable to protect themselves. Whether he turned to the inspectors, or to the more intelligent of the employers and the employed, he believed they were for the most part in favour of the Amendment; the clergy were, he was convinced, unanimously in favour of it, and if but few persons had petitioned in favour of it, it was only for lack of time. He did not imagine that they were then dealing with hypothetical cases. They were legislating then because in a large portion of the county of Lancaster there were a number of persons who, being influenced more by a desire of individual gain than by considerations of public policy or advantage, had carried to the utmost legal limits the powers which they possessed under the Act of 1847. What had their Lordships to expect but that the very same class of persons would follow the same course with regard to the Bill now on the table, unless Parliament stopped up every avenue by which they could do so, one such avenue being the employment of children from half-past 5 in the morning until half-past 8 in the evening? He had been told, that in some branches of work it was desirable that there should be some female children at work as well as boys. He did not believe it; but even if it were desirable, he should still be perfectly prepared to refuse the demand of the millowner in that particular. If it were true that the work of female children was especially required for fine spinning, it would still be his duty to entreat their Lordships not to expose young females of tender age to the consequences of going to a heated mill, through the cold air, at half-past 5 in the morning, and of returning home at half-past 8 at night. This was, he knew, a question of reason rather than of feeling. Still he must say, that it was with deep pain that he had heard the representatives of a Sovereign, whose brightest jewel was her domestic virtues, refuse the required concession to the happiness of factory homes. He would appeal to their Lordships, what must be the feeling of mothers and elder sisters who night after night had to wait for the younger female children of the family, well knowing the temptations and dangers to which they were exposed.

Lord MONTEAGLE had opposed the Amendment of the noble Lord on the cross bench on a former occasion; but, after the discussion that had since taken place, he had been convinced that, on the grounds of policy and good sense, the advantages of avoiding a dangerous agitation among the operatives far more than counterbalanced any sacrifice that this Amendment could entail upon the millowner. For that reason he thought the noble Earl's Amendment ought to be acceded to.

Earl GRANVILLE explained.

On Question, that the clause stand part of the Bill, their Lordships divided:—Content 14; Not-Content 30: Majority 16.

List of the Not-Contents.

The Lord Chancellor
DUKES.
Devonshire
Leinster
Norfolk
MARQUESSES.
Anglesey
Breadalbane
Donegal
Lansdowne
EARLS.
Bruce
Carlisle
Clarendon
Fingall
Fitzhardinge
Granville
Grey
Leitrim
Minto
Morley
Scarborough
Shaftesbury
Strafford
BISHOP.
Hereford
BARONS.
Bateman
Beaumont
Camoys
Dinorben
Foley
Overstone
Sudeley
Wrottesley

Resolved in the *Negative.*

Amendments made.

Bill passed and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, July 19, 1850.

MINUTES.] NEW MEMBER SWORN.—For Southampton, Alexander James Cockburn, Esq.
1ª County Prisons.
2ª Union of Liberties with Counties Fisheries.
3ª Stock in Trade.

MERCANTILE MARINE (No. 2) BILL.

House in Committee.

Clause 70 agreed to.

MR. LABOUCHERE said, that Clause 71 being much objected to, he would withdraw it.

Clause struck out; Clauses 72 and 73 were postponed; Clause 74 agreed to.

Clause 75.

MR. HENLEY said, this clause as it stood would be productive of great mischief, as there would be conflicting jurisdictions, and the powers of neither of the courts were properly specified. Suppose one of these courts ordered a man to be flogged, and he resisted, and in doing so killed one of the sailors who was endeavouring to carry out the order of the court, could such case be regarded as one of murder, as the court might not legally have the power of inflicting punishment, unles it was specified?

MR. LABOUCHERE attached the greatest importance to this clause. It was necessary to give the power proposed to be conferred upon the naval courts in somewhat vague and general terms, and, indeed, it was a question between justice to be obtained in the way specified, or no justice at all. It was important that our ships, scattered as they were over the whole world, should be able to find courts for the administration of justice. It sometimes happened that a ship remained away from this country for several years, and it was a monstrous state of things that during that time no means should exist of checking abuses on the part of the captain or sailors. It was his belief that the mere possibility of summoning naval courts would prevent many abuses. This was the case in the Dutch service. He had lately received a letter from an intelligent English shipowner in Holland, who had examined the Dutch maritime code—one of the wisest in the world—and the writer informed him that naval courts similar to those proposed to be established under the Bill had long been part of the Dutch maritime code; and that the knowledge that the courts could be summoned almost entirely superseded the necessity of calling them. The captain and sailors of a Dutch ship at Java, or any other distant part of the world, knew that a naval court could be summoned, and that prevented abuse. He would listen to any suggestion for the amendment of the clause offered by the hon. Member for Oxfordshire with the respect which was due to anything that fell from that hon. Member; but he hoped the hon. Gentleman would not object to the establishment of the naval courts.

MR. CARDWELL did not understand that his hon. Friend the Member for Oxfordshire wished to interfere with the appointment of these courts, but that the clause should define the powers of the court. All that he required was, that the clause should be made intelligible. He challenged any human being to understand it as it now stood.

MR. BAINES thought it was unnecessary that the powers of a court of this kind should be specifically defined. With respect to the case put by the hon. Member for Oxfordshire, that if any person in resisting the orders of this court, and in doing so killed another, he was satisfied it would amount to murder.

MR. HENLEY said, the clause was crude and indefinite, and the best course the Government could pursue was to postpone the clause, and remodel it.

MR. LABOUCHERE thought it would be better to leave a good deal to the instructions which would be sent out by the Board of Trade to naval officers and consular agents in ports abroad as to the authority of and course of proceedings to be taken before these courts.

ADMIRAL BOWLES admitted this to be a most important clause. His own as well as his hon. Friend's object was so to improve it as to make it as clear as possible; and therefore they wished to have a definite description of the powers and constitution of these courts.

MR. ALEXANDER HASTIE said, that in some ports abroad there might be no British naval officers or consular agents. In such cases how was the court to be constituted?

MR. LABOUCHERE replied, that provision was made in the clause for the purpose. It enacted in such a case that the places should be filled by masters of British merchant ships, or respectable British merchants.

After some further conversation, MR. LABOUCHERE consented to postpone the clause.

Clause postponed.

Clause 76.

Mr. HENLEY said, the effect of this clause would be to cause every case determined in these naval courts to be tried over again in this country.

Mr. BAINES thought the clause might be safely struck out of the Bill.

Clause struck out.

Clauses up to the 98th were then agreed to.

House resumed; Committee report progress; to sit again on Monday next.

GRANT TO THE FAMILY OF THE DUKE OF CAMBRIDGE.

On the Question, that Mr. Speaker do leave the Chair for the House to go into Committee on the Queen's Message,

Mr. HUME wished to know what they would do when the Speaker had left the chair? He said he was now in a position to demand a statement of the general intentions of the noble Lord respecting the Royal grants. Probably the House was not aware that by an Act of Parliament passed many years ago 6,000*l.* a year had been granted to the late Duke of Cambridge in addition to the 21,000*l.* granted to the Royal Dukes, and he thus got 27,000*l.*—the 6,000*l.* being for his son. He was sorry to hear that he had not received it; but all he knew was, that we had paid it. Before they went into Committee, he wished to know whether the present Duke of Cambridge was to be placed on the same footing as the late Duke of Gloucester? The allowances to the Royal Family had been greatly increased, owing to the peculiar state of the currency; and he thought the time had come when these allowances should be inquired into. The King of Hanover had continued to receive during twelve years the allowance of 21,000*l.* granted to him when in this country as Duke of Cumberland, making a total of 252,000*l.* This principle he greatly objected to—that an independent Sovereign should receive a pension from this country. That payment ought to have been discontinued immediately the Duke of Cumberland became King of Hanover. The House had always been liberal in allowances to the members of the Royal Family to enable them to keep up their state; but the continuance of that grant to the King of Hanover was not to be justified. He had more than once brought the question before the House, but they had refused to entertain it. Before going into Committee to grant an allowance to the Duke of Cambridge, a full explanation should be given of the principle on which it was grounded. He had prepared an Amendment, although he did not exactly know what the noble Lord was going to move. The grant was sure to be more than it ought to be, and he must see if it was not possible to economise in this allowance to the Duke of Cambridge.

House in Committee; Mr. Bernal in the chair.

Lord J. RUSSELL: Mr. Bernal, in considering the proposition which I have to make to the Committee, in answer to Her Majesty's Most Gracious Message, I shall place the question entirely upon grounds relating to the Duke of Cambridge, and shall not at all refer to that question which the hon. Member for Montrose has alluded to—the annuity paid to the present King of Hanover. Whether that annuity is rightly or wrongly paid under the authority of an Act of Parliament is, I conceive, a totally separate question. It has been brought under the consideration of the House separately. It can be so again; and the repeal or maintenance of that Act of Parliament should be entirely discussed upon the arguments belonging to that subject alone. At present I intend only to deal with the situation of the affairs of the present Duke of Cambridge, and of his sister, the Princess Mary. The late Duke of Cambridge had, by an Act passed in 1788, part of an amount of 60,000*l.*, which George III. was allowed to charge on his hereditary estate, and afterwards on the Consolidated Fund, for the purpose of an annuity to his younger sons. There was a provision that none of the younger sons should be paid a greater amount than 15,000*l.* a year under that Act; but, subject to that provision, the annuities which fell vacant on the death of one of the sons were to be paid to the survivors to increase their annuities. By a subsequent Act, 6,000*l.* a year was added to the annuity of the Duke of Cambridge, and on his marriage a further amount of 6,000*l.* a year was granted, with a settlement of that sum upon the Duchess of Cambridge if she should survive her husband. The whole amount, therefore, of the annuity paid to the late Duke of Cambridge was 27,000*l.* a year. By a subsequent Act, passed a very few years ago, there was an amount settled on the Princess Augusta of 3,000*l.*

a year; therefore the whole sum which lapses by the death of the Duke of Cambridge is 27,000*l.* a year; and the sums with which the country and the Consolidated Fund are now charged are 6,000*l.* a year as provision for the Duchess of Cambridge, and 3,000*l.* a year, which became payable from the death of the late Duke to the Princess Augusta, the Duchess of Mecklenburg. The next matter which I have to bring under the consideration of the Committee is the state of the affairs of the present Duke of Cambridge, late Prince George. The hon. Gentleman the Member for Montrose seems to suppose that there is a settlement made by Parliament of 6,000*l.* a year upon the present Duke of Cambridge. That, however, is an error. The whole sum that was settled was at a period when Prince George was a minor, and was for the purpose of his education; and there is now no sum payable under any Act of Parliament to the present Duke of Cambridge. The further question arises, whether Prince George of Cambridge inherits from his father any considerable amount of property. I thought it my duty to inquire into that subject, because there were rumours that a very large amount of property was in the possession of the late Duke of Cambridge, which the present Duke would inherit. I find that those rumours are exceedingly exaggerated, that no very large sum was bequeathed by the late Duke to his children, and that that sum is divided into three equal portions, between the present Duke of Cambridge and his two sisters, the Duchess of Mecklenburg and the Princess Mary. Besides that, the present Duke of Cambridge is charged with the payment of annuities in the shape of legacies to the amount of 1,600*l.* a year during the lives of the persons to whom those annuities are left, which will absorb, I think, the whole of the amount of the one-third of the property which has been left by the late Duke; and the only property remaining to the present Duke of Cambridge is the rent received from the property of Combe-wood, and the net income from which is not more than 1,200*l.* a year. The House is well aware that while it is true the late Duke of Cambridge did not exceed his income, and while at one time, when he was Viceroy of Hanover, he was enabled to make some saving, yet that it is likewise true that those savings were never to any considerable amount, and that the amounts which he bestowed in charities, to which he was always a munificent contributor, were such as to prevent his easily amassing any considerable fortune. The House may therefore take it as the best statement that can be made of the present situation of the Duke of Cambridge, that besides that professional income which he derives from the Army, he has no other income than that of 1,200*l.* a year, which is derived from the small property that the late Duke of Cambridge had—I say "that professional income which he derives from his situation in the Army." But the House is likewise aware, with reference to any means derived from that source, that Prince George of Cambridge has always done his duty as a soldier. He is esteemed and regarded by those who belong to the same honourable profession, and that income which comes to him is as fairly his right as that of any other officer in Her Majesty's service. I therefore, Sir, come to the conclusion, in which I feel sure the Committee will coincide, that, in answer to Her Majesty's message, we ought to agree to make some provision for the present Duke of Cambridge. The question next arises what that provision should be; and the precedent to which the hon. Member for Montrose referred is naturally that which occurs to me, namely, that of the Parliamentary annuity which was granted to the late Duke of Gloucester. The Duke of Gloucester, the brother of George III., received an income of 24,000*l.* a year. By an Act passed in 1778, George III. was enabled to grant to the son of the Duke of Gloucester, the late Duke, an annuity not exceeding 8,000*l.* In 1806 that sum was augmented by 6,000*l.* a year, making an income of 14,000*l.* a year, which the late Duke of Gloucester enjoyed to the day of his death. I need not allude to the provision made for the Duchess of Gloucester by various Acts of Parliament, as they form an entirely separate question. But previous to the marriage of the Duke of Gloucester, he had, under the Acts of Parliament to which I have alluded, an annuity of 14,000*l.* a year. Having regard to that precedent, and taking into consideration the position in which the Duke of Cambridge stands, we have to determine what it would be right for the Minister of the Crown to propose that Her Majesty should ask Parliament to grant to the present Duke of Cambridge. Now, in considering this proposition, I think it ought to be taken into account that the late Duke of Gloucester, while he was one of the Royal Family —the nephew of George III.—was at the same time living with several of the sons of George III. I think there were no less than six sons of George III., who were enjoying considerable incomes, and who were of adult age at the same time that the Duke of Gloucester was receiving that annuity. I say this because it is well known to this House and the country that a person in the situation of a Royal Duke has many claims upon his purse in the shape of charity; and while the Duke of Sussex and the Duke of Cambridge were living there were not likely to be so many calls upon the Duke of Gloucester as upon an only living adult Prince of the Royal Family. That is the position of the present Duke of Cambridge, he being the only Prince of the Royal Family who is resident in England, except the younger branches, the sons of the Queen, who are infants according to law, and who, of course, are not appealed to on subjects of that nature. Sir, the Committee will, I am sure, consider that this must make a difference with respect to the calls that will be made on him; and the Committee will consider, too, that he cannot say, "I will live upon the income that Parliament gives me entirely, as if it were given for my private account. I will be entirely deaf to all those calls of charity to which my father was so munificent a contributor." I don't think that that is in the character of the present Duke of Cambridge, and I am sure the Committee would not wish that he should be placed in such a position. I come therefore to the conclusion, considering these things, and considering the position altogether in which he is placed, that an annuity of 12,000*l.* a year, being 2,000*l.* a year less than was granted to the Duke of Gloucester by the Act of 1806, would be a proper sum for this House to vote for the present Duke of Cambridge. I think it would be a sum which would enable him to maintain his present rank. I think that it would not be at all excessive, or beyond what can be deemed necessary to maintain the dignity of his station, and to answer the many calls that are made upon him. Then there is remaining the daughter of the Duke of Cambridge, for whom no provision has been made — I mean the Princess Mary. I have already stated to the Committee, that, by a provision made a very few years ago, the sum of 3,000*l.* a year was granted to the Princess Augusta, to take effect from the death of the Duke of Cambridge. I now propose that the same sum should be granted to the Princes Mary, which of course would be secured by an Act of Parliament to be passed; but, on her attaining the age of 21, or on her marriage, it would be an annuity secured for her life. 6,000*l.* a year is now the jointure of the Duchess of Cambridge, 3,000*l.* a year is paid to the Duchess of Mecklenburg, making 9,000.; 3,000*l.* to the Princess Mary, making 12,000*l.*; and 12,000*l.* I propose to be granted to the present Duke of Cambridge, making altogether 24,000*l.* a year. The sum that was paid to the late Duke of Cambridge during his lifetime was 27,000*l.* a year, therefore the sums that I propose, together with those sums now paid, would amount to 3,000*l.* a year less than the sum lately payable. I think it is unnecessary to enter into any further reasoning with respect to this subject. What the hon. Member for Montrose has said upon the question does not appear to be at all connected either with the annuity payable to the Duke of Cambridge on the one hand, or to any salary or pension granted for civil services on the other. I propose that those sums should be granted to the Royal Family, to enable Prince George, who I think deserves the consideration of this House, to keep up the dignity of the position to which he has succeeded, and whilst they will enable him to do that, I do not at the same time think that they can be considered excessive.

(1.) Motion made, and Question proposed—

"That it is the opinion of this Committee, that Her Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britian and Ireland, not exceeding the sum of twelve thousand pounds, to make a suitable provision for His Royal Highness the Duke of Cambridge."

MR. HUME said, he was exceeding sorry to be compelled to differ from the noble Lord as to the amount that ought to be granted to the present Duke of Cambridge. No man had given more credit than himself to the late Duke for prudence and good management; and whether his accumulations were 100,000*l.* or 200,000*l.*, they would not affect the observations he had to make. The noble Lord had scarcely stated the whole of the facts with regard to what George III. was authorised to do. That monarch was allowed by Parliament 60,000*l.* a year, to be divided among ten sons, being 6,000*l.* a year each; but it was provided that upon the death of any one, the income which he received should be divided among those who remained, it being stipulated that none should receive more than 15,000*l.* in the whole; otherwise, under the provisions of the Act, the last survivor would have been entitled to the whole 60,000*l.* For many years all that was granted to the Duke of Gloucester was 8,000*l.* a year; but the noble Lord had omitted to state that 6,000*l.* was granted to the late Duke of Cambridge for the education of his son; and at the same time a similar sum was granted to the Duke of Cumberland. At that time he (Mr. Hume) moved an Amendment that the Duke of Cumberland should not receive that allowance unless his son was educated in England, which was passed. But up to the present hour the late Duke of Cambridge had been receiving 6,000*l.* a year on this account. He wished, then, to put it to the House whether they would not adopt the precedent of the Duke of Gloucester's case, and consent to vote only 8,000*l.*? It was well known that the great increase in the expenses of living had led to an increase of salaries, and that an amount had been added to the allowances of the Royal Dukes, to put them upon a supposed equality with others who were receiving large salaries. But those times had gone by; we had returned to bullion payments, and all expenses had either come down or must come down. In a time of peace, like the present, the House ought to study economy; and as this was the first opportunity that Parliament had had for some years of dealing with the allowances to a Prince of the Blood, he hoped they would see that the same amount which was enjoyed by the Duke of Gloucester was large and liberal at the present moment. He wished to see the Royal Family maintained in the dignity which became their position; but he did not wish to see them in the enjoyment of such very large sums from the Consolidated Fund, whilst there was so much want and poverty in other circles. As trustees of the public purse, the House ought to consider whether, by granting the amount now proposed, they would be doing justice to their trust under all the existing pressure and difficulty. He was glad to hear that the Duke of Cambridge was following his profession as a soldier with so much merit, and that he was beloved by the Army; but 8,000*l.*, with the emoluments of his military command, and the third of the income left by his father, would, he contended, be adequate to enable him to maintain the position to which he was born. Under these circumstances he should move, as an Amendment, that "8,000*l.*" be inserted in the resolution, instead of "12,000*l.*," and he should take the sense of the Committee upon it.

Whereupon Motion made, and Question put—

> "That it is the opinion of this Committee, that Her Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding the sum of eight thousand pounds, to make a suitable provision for His Royal Highness the Duke of Cambridge."

MR. DISRAELI: Sir, I agree with the noble Lord the First Minister that this proposition ought to be considered upon its own merits, and that we ought not to mix it up with any arrangements formerly made as to His Majesty the King of Hanover. I think the noble Lord was quite correct in stating, that when the Committee is called upon to consider a message from the Crown with regard to a subject of this character, there are, in fact, two considerations before us: first, whether any provision should be made for the illustrious individual whose name is recommended to the consideration of Parliament; and, if that question is answered in the affirmative, what would be a provision that, in the language of the Message, would be considered "suitable?" There are not certainly two opinions upon the question that the illustrious individual to whom our attention is called is one for whom some provision should be made. The Committee will consider the position in which an English Prince of the blood is placed. It is one which gives him very peculiar claims upon the favourable consideration of Parliament. The House of Commons should recollect that it is the constitutional jealousy of Parliament that has virtually deprived the Sovereigns of this realm of the power of making charges upon their estates in favour of Princes of the blood; and, therefore, when a Prince of the blood comes before us, under the circumstances of the Duke of Cambridge, we must always remember it is the consequence in great part of the conduct of the House of Commons. There is another consideration which ought never to be omitted from the consideration of a proposition of this nature, namely, that the House of Commons was a party to the passing of an Act which prevents any Prince of the blood in England from assisting or increasing his fortune by means which are open to all other subjects. When we consider how much the House of Commons has been concerned, first, with the settlement of the civil list, which has prevailed now for a long period of time, and, secondly, with the passing of the Royal Marriage Act, I am sure the House will remember that English Princes of the blood are in a peculiar position, which permits their claims to be urged with no little effect. But, with regard to the Duke of Cambridge, there are other considerations. The House should not forget that the marriage of the late lamented Duke was a marriage which was very much desired by the country at large. It was the general wish of the country, from a lamentable catastrophe in the Royal Family, that the sons of George III. should lose no time in forming alliances which would ensure the permanence of that Royal Family, with which the people of this country associated their best feelings. That is a consideration peculiar to the case of the present Duke of Cambridge. Nor is it possible to be insensible to the personal character and claims of His Royal Highness; and I think I am only expressing what every one feels, that his conduct has endeared him to the country. He has shown that he possesses many of those qualities which are popular and esteemed, and he leads a life which is, at the same time, spirited and decorous. I think, therefore, there can be no want of unanimity upon the first question before us. The second proposition, as to the amount, is a much more important question. It is quite impossible that any Gentleman who sits on this side of the House should not be sensible of the great distress that prevails in the country, especially among those classes whom it is our fortune to represent; although I am rather surprised that an acknowledgment of complaint and distress should come from the other side of the House. Whatever might be my general feelings upon the subject under other circumstances, I cannot consider the present proposition without some relation to the state of our constituents. The proposition of the Government is founded upon the precedent of the case of the Duke of Gloucester; and, upon the whole, a more just and apt precedent could not be cited. But I cannot but observe that Her Majesty's Ministers, with discretion, prudence, and wisdom, have proposed an amount much reduced from that granted to His late Royal Highness the Duke of Gloucester. I assume that reduction to have been made in consequence of the alterations in the times. I see no other reason why the reduction should be made; and I think, in consequence of the alteration in the times, the reduction should be made. I am of opinion, under all the circumstances of the case, taking every point into consideration, duly considering the state of the country, and especially of those classes with whom we are particularly connected on this side, it is a just, and fair, and by no means an immoderate proposition; and I trust, therefore, although the hon. Member for Montrose, faithful to his traditional office, has suggested an Amendment, that, upon due consideration, he will not feel it his duty to press it to a division, but will agree with the majority that the proposition is, under all the circumstances, a just and fair provision for the illustrious Prince.

MR. BRIGHT said, he had felt rather disappointed in hearing the statement of the noble Lord. In one of the proposals to which he directed the attention of the Committee, the noble Lord had, if he understood him aright, stated that the late Duke of Cambridge had divided his property equally among his three children, but had attached to the share he had left to his son certain annuities which for some time would eat up the whole of that son's share—that, in fact, those annuities amounting to 1,600*l.* a year, would take away the whole amount. Now, if that was the case, he thought it a very unfortunate circumstance. A daughter who had been married some years since received an allowance of 3,000*l.* a year from that House —[" No!"]—Yes, commencing from the death of her father. He thought it unfortunate then, that the property of the late Duke of Cambridge should have been left in such a manner, as that the whole share left to the son should be taken away by annuities, thus in point of fact binding up that property, leaving him without provision, and throwing him entirely for support upon that House. When a provision was made for the Duchess of Mecklenburg, there was some objection taken on the ground that the provision that had been made for the Duke of Cambridge was sufficient to allow him to provide for his children; but it was argued by the Government, that it would not be fair to make any deductions from such provision, and that they were bound to pass a separate vote for the daughter. Well, if that vote for the daughter was considered sufficient, he thought it unfortunate that the bulk of the property should be left in the same direction, leaving the whole future provision for the son to a vote of that House. He was not going to say a word against the late Duke of Cambridge: he believed that no man in that House would do it; but looking at the statement of the noble Lord, it appeared that the late Duke's receipts commenced so far back as 1778, that for a long period that sum was a share of 60,000*l.* per annum, that it afterwards was 15,000*l.*, afterwards 21,000*l.*, and for many years 27,000*l.* He was not aware of the precise amount of his receipts as Viceroy of Hanover; but he did think that Parliament, considering the sources which his Royal Highness's emoluments came from, was entitled to expect the same care in providing for a family, which was the duty of its head, whether in a cottage or a palace, and that it would have been much more satisfactory, if, after having so great an income for so long a period, some provision had been made in this case, which would have rendered it unnecessary for Parliament to vote such an income for the children as it was now proposed to confer. However, what was passed could not be remedied, He was not about to contend that some provision should not be made for the children of the late Duke of Cambridge, provided the property was as had been stated to the House; but there was one point which, in considering whether the sum should be 12,000*l.* or 8,000*l.*, as proposed by his hon. Friend, should not be lost sight of. They could not shut their eyes to the fact that there was no institution, however valuable, which might not be bought too dear; and there could not be a doubt but that all friends of the monarchy—as he trusted they all were, should endeavour so to arrange affairs of this nature, as that the circumstances connected with the Royal Family should not come before the people in an aspect calculated to make unpleasant impressions as regarded monarchical institutions. Now, the point he wished to put to the Committee was this. The present Sovereign had a numerous family, and the time would come when it would be necessary to make provision for the Queen's children. He asked the House then to look forward to the time when such a proposition would be made by the Prime Minister of the day. Would the House propose to give to every son and daughter of the Queen, when of age, a sum equal to 12,000*l.* a year? He very much doubted whether it would be in the power of the Minister of the day to propose any such provision for the whole of the family. But the present Duke of Cambridge was the first cousin of the Queen; and he doubted whether they were justified in proposing for the first cousin of the Queen 12,000*l.* a year, if they were not able to convince themselves that Parliament and the country would not consent at a future day to a larger provision for the children of the Queen. His opinion was, that by that time such a proposal would not be satisfactory to the House or the country, and he thought they might with great propriety take that into consideration in fixing the present vote; and if, as he believed, 12,000*l.* a year for all the children of the reigning Sovereign would be too large a sum, then it would be an unfortunate precedent to vote 12,000*l.* for the Duke of Cambridge, who was but the cousin of the Queen. There might be those who attributed to himself and to others who took a similar view of the question, feelings as regarded the Sovereign different from what they themselves entertained. He would make no answer to such persons. He believed it might fairly be taken for granted that every one shared in attachment to the Sovereign, and wished that the various members of Her family should preserve such dignity as was necessary to the institutions of the country. But he thought that that Minister was no friend to the Sovereign, nor a friend to the monarchical principle, who proposed a vote of this nature, which should not by its moderation and reasonableness, recommend itself to the intelligent population of the united kingdom. He greatly feared that this large vote would make an unfavourable impression, and that it would be anything but favourable to monarchical institutions, which would be infinitely better preserved in the minds of the people of this country, if the necessary burdens should be made as small as possible, and not, as he took this vote to be, extravagant, and such a one as he had not expected the noble Lord to propose. He did not think this a question for precedent, but still, that cited by his hon. Friend was an important one. The Duke of Gloucester had 8,000*l.* a year, to which 6,000*l.* was added, he believed, for party purposes, by the Whig Government of the time. The noble Lord was not responsible for that—he had enough to be responsible for; but if there was the least truth in the assertion, he thought that the noble Lord should be the last to bring it forward and say, that having given 14,000*l.* to the Duke of Gloucester, 12,000*l.* would be moderate now. He did not mean to say, in discussing this question, one word unpalatable either to the Court or to the masses of the people out of doors; but he believed that 8,000*l.* was an ample provision, and that it was the most that Parliament ought to consent to. If after a man had received many thousands of pounds for thirty, forty, or fifty years, he made no provision for his sons, and that Parliament stepped in and voted the enormous income of 12,000*l.* a year, it would not only be holding out no example to parents in these elevated positions, but would be holding out inducements in a contrary line, in the expectation that Parliament, with a generous disregard to public interests, might step in and make up their deficiencies. For these reasons, and especially considering that a provision must be made for the children of the Queen, he considered that they would be prejudicing their interests in future, and the monarchy, in the estimation of the people by granting the sum proposed by the noble Lord.

The Marquess of GRANBY was sure that every Member of the House was anxious to do honour to the name of the Duke of Cambridge; and it seemed to him that the most obvious and natural way to do honour to that name, was to grant to his son the allowance which the dignity of his position and his high station in life rendered necessary. He thought there was no difference of opinion in the House that some provision should be granted; the only difference was, as to what should be the amount of that provision. The hon. Member for Manchester had said that he understood the noble Lord to state that the annuities with which the income left to the present Duke of Cambridge was burdened, would entirely counterbalance that income. He (the Marquess of Granby) believed that the total income of his Royal Highness would only be about 900*l.* a year, so that it would be more than counterbalanced by the annuities. The hon. Member for Montrose had stated that the allowance to the Duke of Gloucester was at first only 8,000*l.* a year; but the hon. Gentleman had not shown that that sum was sufficient in that case. In fact, the reason why it was raised to 14,000*l.* was that it was found inadequate.

Sir R. H. INGLIS said, that the hon. Member for Montrose had regretted that the bargain with the Crown had been made for life. The bargain, however, had been made, but it was a bargain which had been disadvantageous to the Crown of England. From a return on the table of the House, it appeared that from the time the bargain was first made, namely, from the accession of George III. up to the close of the reign of William IV., the sum formerly receivable by the Sovereigns of England amounted in the aggregate to 116,000,000*l.* sterling, while the sum actually granted to the Crown by Parliament in the same period amounted to only 69,000,000*l.*—leaving a clear balance of 47,000,000*l.* in favour of Parliament. Now, had that sum been in the hands of the Crown, there would have been no occasion for any appeal to Parliament for aid in making provision for any member of the Royal Family.

Colonel RAWDON said, that from his earliest years he had had the honour of calling the Duke of Cambridge his friend, and that for several years he had been in intimate relations with him, which afforded him ample opportunities of knowing his liberal and extensive charities; and these, he believed, would account for the fact that he had left so small a sum behind him for his family.

Colonel CHATTERTON: Sir, I trust I may not be thought intrusive in offering a few remarks upon the proposition of the noble Lord at the head of Her Majesty's Government, particularly as I do not agree in all that has been advanced by the noble Lord. Sir, I beg to say that no person is more desirous than I am for the most rigid enonomy in every branch of the public service; but there are some cases, in my mind, when it should give way to a dignified liberality; and the fault I find with the noble Lord is, that he seems to have forgotten that word. Called upon as we have been by Her Most Gracious Majesty's Message to make competent provision and support for his Royal Highness the Duke of Cambridge, and his illustrious sister the Princess Mary, caused by their melancholy bereavement, and the loss the Royal Family and the country have sustained by the death of the illustrious Prince, whose character needs no eulogy from me, we are bound to attend to such recommendation; and, Sir, in my opinion, no person has more claims upon the generosity and kindness of this House than the illustrious Person to whose comforts we are called upon to minister. Born as his Royal Highness has been in England, educated in England, he has lived all his life in England, and is thoroughly English in his tastes, his habits, and ideas; and these alone should make us provide for him liberally—I had almost said profusely. Actuated, no doubt, by a desire to be of service to his country, this illustrious Prince entered the honourable profession of arms at an early period of life, and has acquired so complete a knowledge of it in all its branches as to deserve to be named the *Decus et tutamen* of the profession. Sir, as long as we are blessed with a monarchical government, so long, in my mind, are we bound by every feeling of loyalty and honour to provide liberally for the children of that family, appointed to govern us, as children of the State. Sir, with these views and ideas I need scarcely assure the noble Lord how cordially and warmly I offer him my humble support, which I beg to say would be much more warmly and cordially given if his proposal were made on a more liberal scale; and if the noble Lord would grant me his support, I would move that the annual income of His Royal Highness the Duke of Cambridge should be raised to a similar amount as the late Duke of Gloucester's, namely, 14,000*l.* per annum. As regards Her Royal Highness the Princess Mary, I should say what the noble Lord has proposed, namely, 3,000*l.* per annum, may be sufficient as long as she remains under the care and guardianship of her Royal Mother.

The Committee divided:—Ayes 53; Noes 206: Majority 153.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Anderson, A.
Blewitt, R. J.
Brocklehurst, J.
Brown, W.
Carter, J. B.
Clay, J.
Cobden, R.
Collins, W.
Crawford, W. S.
Duncan, G.
Duncuft, J.
Forster, M.
Fox, W. J.
Gibson, rt. hon. T. M.
Glyn, G. C.
Greene, J.
Hall, Sir B.
Harris, R.
Hastie, A.
Headlam, T. E.
Henry, A.
Heyworth, L.
Hutchins, E. J.
Jackson, W.
Keating, R.
Kershaw, J.
Lacy, H. C.
Locke, J.
Lushington, C.
M'Taggart, Sir J.
Meagher, T.
Martin, J.
Mitchell, T. A.
Molesworth, Sir W.
Morris, D.
Mowatt, F.
Muntz, G. F.
Ogle, S. C. H.
Pechell, Sir G. B.
Pilkington, J.
Ricardo, O.
Salwey, Col.
Scholefield, W.
Smith, rt. hon. R. V.
Smith, J. B.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.

TELLE

Hume, J.
Bright, J.

Original Question again proposed.

MR. HUME then moved that the sum should be 10,000*l.* a year. This was still twice the amount of the salary of the First Lord of the Treasury, who had the whole business of the country to attend to. For many years the sons of George III. did not receive so much. The hon. Baronet the Member for the University of Oxford had alleged that the Crown would have been better with the Woods and Forests at its disposal than with the present arrangement of the civil list. He (Mr. Hume) begged to refer the hon. Baronet to the debtor and creditor side of the account of the Woods and Forests, as contained in the report of the Committee of which the noble Lord the Member for Bath was chairman, from which it appeared that, for the last twenty-five years, the country had derived little or nothing from that source. He was not so hardhearted as the hon. Baronet. He was not at all disposed to place the Royal Family on so precarious a fund.

Whereupon Motion made, and Question put—

"That it is the opinion of this Committee, that Her Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding the sum of ten thousand pounds, to make a suitable provision for His Royal Highness the Duke of Cambridge."

SIR H. WILLOUGHBY said, that, before the noble Lord replied to the hon. Member, perhaps he would state to the Committee whether, in the event of the marriage of the Duke of Cambridge, he should propose any addition to the 12,000*l.*?

LORD J. RUSSELL would rather not answer the question at present; he would observe, however, that the allowance to the Duke of Gloucester, upon his marriage, was 14,000*l.*, and he did not at present contemplate, under any circumstances, a greater allowance than 14,000*l.* per annum to the Duke of Cambridge. With reference to the proposition of the hon. Member for Montrose, he had already stated the reasons which induced him to consider that 12,000*l.* per annum was not more than a proper allowance to the Duke of Cambridge, and he would not detain the Committee by a repetition of his views. He would, however, take the opportunity of expressing his appreciation of the temper and moderation with which his hon. Friend had put forward the views which he entertained on this subject.

MR. V. SMITH thought it would be highly satisfactory to the country if the noble Lord would insert a clause in the Act granting the 12,000*l.* per annum to the Duke of Cambridge, providing that, in the event of the Illustrious Duke acceding at any time to the Crown of Hanover, the allowance should cease. The large sum which the present King of Hanover drew every year from the public revenue of England was a source of much dissatisfaction to the country.

MR. HEYWOOD: If hon. Gentlemen were dealing with their own funds, of course they might make the allowance as high as they please; but, remembering that this money would come out of the pockets of the labouring classes, he could not support the larger amount.

MR. DRUMMOND said, that if the Royal Family had not consented to an arrangement by which Parliament had robbed them of their estates—if Parliament had not taken possession of the Woods and Forests, which had been badly managed because they had been in their hands—and if those estates had been as well managed as any private estate would be, there would have been no reason for this application, for the Royal Duke would have been in possession of an enormous fortune.

The Committee divided:—Ayes 55; Noes 177: Majority 122.

Original Question put, and agreed to.

"*Resolved*—That it is the opinion of this Committee, that Her Majesty be enabled to grant a yearly sum of money out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, not exceeding the sum of three thousand pounds, to make a suitable provision for Her Royal Highness the Princess Mary of Cambridge."

Resolutions to be reported on Monday next.

POST OFFICE—APPOINTMENTS.

MR. C. ANSTEY begged to call the attention of the House to the petition of 138 clerks in the Money-order Department of the Post Office, presented on the 7th June, and to move that an inquiry should be made into the grounds upon which the appointment of chief clerk of that department had been withheld from the officer, who, as it was alleged by the petitioners, would, in official order, have succeeded to it. The petitioners did not come to the House to ask it to increase their miserable salaries, although 100 of them received only 70*l.* a year, from which there was deducted two per cent to form a superannuation fund. All they asked was, that the preferments in the office, to which they were entitled, should not be taken from them by the arbitrary and unauthorised act of the Postmaster General, or rather of his secretary, Mr. Rowland Hill. The principle on which promotions were made in the Colonial Office was, seniority combined with fitness. The rule worked well in two ways: it secured a certain degree of fitness in the clerk, and it contributed to make him satisfied, while in an humbler condition, by the hope of arriving at a better. The same rule was adopted in the Treasury and in the Foreign Office, and in that House itself, and there was no reason why it should not be universally employed. The circumstances of the case to which he wished to draw the attention of the House were these: In the year 1844, when the Earl of Lonsdale was Postmaster General, an attempt was made to place a gentleman, who was thirteenth in rotation, over the heads of those who were above him. The Earl of Lonsdale appointed a committee of the officers to inquire into his claims, and it appeared that his pretensions were rejected after that inquiry. That very gentleman had been appointed to the office of chief clerk over the heads of others. In the month of August 1848, a rule was established, by the order of Mr. Rowland Hill, by which three days in the year were allowed to the clerks in the Money-order Department of the Post Office for absence, on the ground of business or ill health; and a certain fine was imposed for every additional day's absence beyond that number. A memorial was addressed to the Postmaster General, signed by all the officers of the department, the object of which was to procure the removal of this unjust rule. The Postmaster General found a difficulty in altering the order, and the memorial did not produce any result. A second memorial was presented in September 1849, on the terms of which Mr. Rowland Hill had severely animadverted, and stated that it contained several expressions which were not true. He (Mr. Anstey) had read the memorial, and he could assure the House that there was nothing in it whatever disrespectful towards Mr. Rowland Hill, or any other officer in the Post Office. In October 1849, the gentlemen who had signed the second memorial addressed a letter to the Postmaster General, in which they disclaimed the charge of having made use of disrespectful language. To this letter they received no answer, and they naturally concluded that the matter was at an end; but six months afterwards, on the decease of the president of the Money-order Office, and the chief clerk of the Edinburgh money-order office to the vacancy, when those gentlemen complained that the order of seniority was not followed, they were informed that their claims could not be attended to unless they would make another apology for their memorial, and further degrade themselves by stating that that document contained falsehoods. Under these circumstances, not being able conscientiously to comply with the conditions, they came before the House. There were also two of the senior clerks of those who had been passed over, who had not signed the memorial; and the only reason that could be conjectured—for he only gave it as a supposition—why their claims had not been recognised, was, that they had been invited to volunteer for Sunday labour in the Post Office, but had declined. If the inquiry which he (Mr. Anstey) now asked for into this matter were granted, he pledged himself to prove the truth of every thing that he had stated; and with these observations he would leave the matter in the hands of the House.

Motion made, and Question proposed—

> "That this House is of opinion, that inquiry ought to be made into the grounds upon which the appointment of Chief Clerk of the Money-order Department of the Post Office has been withheld from the officer who, as it is alleged by the Petitioners, in their Petition presented to the House on the 7th day of June last, would, in in official order, have succeeded to it."

MR. MOWATT seconded the Motion.

MR. J. WILLIAMS expressed his belief, that if there was one office more than another that required investigation, it was the Money-order Office of the Post Office. Some two years since he had presented petitions to the House praying for inquiry to be instituted, in consequence of the gross mismanagement of that office. He had afterwards presented a memorial to Mr. Rowland Hill, calling for a simplification of the accounts of that establishment, because two years had elapsed without those accounts being audited; and he believed that any merchant would be a bankrupt very speedily who conducted business in such a manner. The Government not having had a single person in their employ who could audit the accounts, a gentleman from the City was at length procured for the purpose. That gentleman was at the Money-order Office for three or four months, and he stated that he had never seen books kept in so slovenly a manner; that so far as he could make out, there was a sum of between 3,000*l.* and 4,000*l.* due by the country postmasters, and that although upwards of 220 clerks were employed in the department, the business, under proper management, could be better executed by 150 clerks. Mr. Rowland Hill had promised to make the necessary improvements and alterations; but, in the meantime, an inquiry ought to be instituted with the view of seeing whether the allegations made against the department could be substantiated.

The CHANCELLOR OF THE EXCHEQUER said, it was really a grievance which Her Majesty's Government had much reason to lament, that there was no officer in that House connected with the Post Office to answer such statements as that which had just been brought forward by the hon. and learned Member for Youghal, or to meet any inquiries that might be made in relation to the affairs of that department generally. For his own part, he really wished that when any hon. Member had any case of this kind, on which complaints and interrogatories were to be founded, to bring forward, that he would have the courtesy to give notice of the fact, and of his intention to his hon. Friend the Secretary for the Treasury, to whose province, perhaps, rather than to his own, it more particularly devolved to supply, if possible, the desired information. Of course, in the absence of any official representative of the department in question, it was almost impossible for him (the Chancellor of the Exchequer) to be prepared with answers to questions or statements made in that place, without previous notice. But he might remark that there was one fallacy which pervaded the whole of the statement advanced by the hon. and learned Member. It was not true, as he assumed, that seniority of standing alone was the principle on which the rule of promotion in these Government establishments proceeded. This was not true of the Treasury, nor—so far as he knew—of any other of the Government departments. Indeed, he would ask the House how it could be possible for the business of Government to be conducted on any sound or efficient system were the principle that which the hon. and learned Member for Youghal supposed? The inconvenience of such an interposition as the hon. and learned Member desired at the hands of that House, would be incalculable to the public service. If the House had confidence in the Government, they must allow the responsible head of every branch of a great department to be the best judge how its management should be administered with the best results to that service. As to the grievance set forth by the petitioners, it should be observed that the person promoted over their heads by the Marquess of Clanricarde had been selected many years ago by the Earl of Lonsdale, when Postmaster General, on account of the ability he had shown in the discharge of his duties, to go to Dublin for the purpose of reorganising and superintending a branch of the Post Office there; afterwards, by another Postmaster, removed from Dublin to undertake an analogous charge in the Post Office department of Edinburgh; and, finally, called from Edinburgh to be placed at the head of the Money-order department in London. On these facts he apprehended that the House would hold such an individual had been very properly selected for the promotion now complained of.

MR. MOWATT conceived that this case might be shortly stated thus—that, whilst these thirteen gentlemen, who not only stood, in the rotation of their seniority, in a preferable position, but had been, after examination, declared duly and properly qualified for this post, had been passed over, a party who was not of equal standing with themselves, and who had been expressly reported, in 1844, by Colonel Maberly, not to be qualified for it, had been elevated to it over their heads. Now, this was an allegation of injustice to, of unwarrantable hardship upon, the petitioners, too grave and too important to go forth to the public uncontradicted or unexplained, without being calculated to produce a very prejudicial impression against the management of the Post Office. He did hope, therefore, to hear some answer offered to the petition. It might be very true, as the right hon. Gentleman the Chancellor of the Exchequer had told them, that seniority of standing was not the general rule of promotion in the public offices, which the hon. and learned Member for Youghal had supposed. But the right hon. Gentleman had not quite fairly stated the hon. and learned Member for Youghal's assertion, which took for this principle seniority armed with fitness; and this surely the Chancellor of the Exchequer was not prepared to deny was the true principle that regulated promotion in the public departments. He must say that no answer had been given to the complaint, on its face so reasonable, of the wrong which had been done to gentlemen who were paid so inadequately for their services, that throughout the country great disapprobation had been expressed at such miserable salaries, and whose only inducement to content themselves with such a scale of remuneration consisted in the hope they might reasonably indulge of succeeding, in virtue of seniority, good conduct, and adequate qualification, to the post from which they seemed to have been so arbitrarily excluded, between the resentments of Mr. Rowland Hill and the act of the Postmaster General.

MR. FORSTER thought, if the salaries of these parties were really so inadequate, they had the remedy in their own hands, by declining to retain their appointments. But he rose to protest against the House being made a court of appeal against grievances arising out of the administration of a public department, with the details of which they were not supplied, and could not by possibility know anything. The House, in short, was a tribunal utterly unfit to entertain such a case as this.

MR. AGLIONBY would not have offered any remark upon the present occasion but for the singular and unconstitutional language which the Chancellor of the Exchequer had employed in declaring that the House ought on no occasion to listen to complaints against a public department, coming before it in this manner. He (Mr. Aglionby) was perhaps sorry that the hon. and learned Member for Youghal should have felt it his duty to bring forward this petition on the present occasion, seeing that on a former occasion, when the hon. and learned Gentleman moved for certain papers connected with the case of the petitioners, it appeared that, though the Marquess of Clanricarde himself had no objection to their production, Her Majesty's Government, as a body, had refused them. That refusal proceeded on a ground which the Chancellor of the Exchequer had to-night stated fairly enough, namely, the grave inconvenience of entertaining the prayer of the petition, or meeting the observations elicited by it, when there was no person present officially connected with the department referred to. On this account, and in the defect, so far as the House was concerned, of further necessary information on the subject-matter of the allegations which had been read, he did hope that the hon. and learned Gentleman would not attempt to press his Motion to a division. All must allow that so serious a charge of mismanagement in such a great department as the Post Office, was too grave a matter for discussion to be raised thus incidentally on the presentation of a petition. If the learned Member persisted, he would have Her Majesty's Government arrayed against his Motion, and he would find himself in a very poor minority. He (Mr. Aglionby) could not support the Motion in the absence of further papers. He must, however, concur in holding with a preceding speaker, that the Chancellor of the Exchequer had not fairly stated the hon. and learned Member for Youghal's principle of promotion, which was not seniority alone, but seniority combined with qualification. And the gravamen of the petitioners' case was, that they had been passed over in the appointment finally made to the office in question, not because they were not senior to the party appointed—not because they were not duly qualified—but because of some ill-feeling towards them on the part of Mr. Rowland Hill, by reason of some offence they had given to that individual on some previous occasion.

Mr. HUME wished to ask one question of Her Majesty's Ministers, on their answer to which would depend the vote he should give that night. It had been alleged that the person who had been placed over the heads of these petitioners was, at no very remote period, reported by Colonel Maberly to be unqualified for the situation he held. Was this the fact or not? Although he (Mr. Hume) might agree with those who deprecated as most mischievous, on general principles, the interference of this House with the internal administration of executive departments, there might yet be cases in which the extent of oppression charged against officers in the public service might well warrant such interference. The Government must not wonder if he felt some suspicions that the complaints of these parties must be well grounded, when he reminded them that they had refused him the documents for which he had formerly moved with a view to elucidate the facts. Could they or could they not deny that the individual who had been promoted out of his turn to be the president of a certain branch of the Post Office over the heads of these gentlemen, was, in 1844, formerly reported to be incapable and unqualified for his appointment?

Mr. C. ANSTEY begged to correct an error into which the hon. Member for Montrose had fallen. The complaint was not as to the incompetency of the person who was put over the head of these petitioners, but of that person, who, having been formerly chief clerk, had just been promoted to be president of a department in the Post Office "as next in rotation," although he had been the junior of these petitioners at the time he was reported as incompetent to discharge the duties of his situation.

The CHANCELLOR of the EXCHEQUER was glad that the hon. and learned Member had shown that the impression of the hon. Member for Montrose was a wrong one; and he hoped it would be sufficient for him now only to add that the gentleman whose promotion had given rise to this petition, was the Mr. Palmer who had been successively selected for promotion to the Dublin, the Edinburgh, and the London Money Order Departments, on account of the high opinion entertained by the Earl of Lonsdale and the Marquess of Clanricarde of his merits.

Motion negatived.

SUPPLY—BRITISH MUSEUM.

Order for Committee read.

(1.) 45,329*l*. British Museum.

Sir R. H. INGLIS said, that the duty devolved upon him of moving in this Committee the vote for the expenses of the British Museum. He felt that all which could be properly addressed to the attention of hon. Members in reference to the national importance of the objects embraced in the application of the annual grants to this establishment, had been so well and so often stated by others, that it was unnecessary for him to trespass on the time of the Committee by going over the same matters on this occasion.

Mr. HUME wished to ask the Members of Her Majesty's Government whether any definitive measures had yet been taken towards carrying out the recommendation of a Committee which had recently sat to inquire into the management and affairs of this important establishment? With regard to the defective condition of the catalogues, and the necessity for immediately remedying their deficiencies—one of the points embraced in that report—the impatience of the public to know what had really been done was, as might be expected, extreme. What steps had the Government taken in relation to other parts of the report, and when would it be laid on the table?

SIR G. GREY believed that the report had already been brought before the Government, and it would undoubtedly receive all consideration. For himself he trusted the hon. Gentleman would forgive him for saying that his time had been so much occupied with other matters as to have precluded him as yet from devoting the necessary consideration to its contents.

Vote agreed to.

SUPPLY—WESTERN COAST OF AFRICA, AND DANISH SETTLEMENTS ON THE GOLD COAST.

(2.) Motion made, and Question proposed—

> "That a sum not exceeding 24,080*l.*, be granted to Her Majesty, to defray the Charge of the Civil Establishments on the Western Coast of Africa, to the 31st day of March, 1851; also, for the purchase of Stores, &c., on the Gold Coast, from the Danish Government."

MR. COBDEN said, he should have thought it probably more in order if some Member of the Government had explained the grounds upon which the Committee were called upon to vote this sum. It was proposed to vote 10,000*l.* for five settlements on the coast of Africa. If 10,000*l.* were all, it might be passed over lightly, and no great harm would be done, for a vote of 10,000*l.* was a small thing indeed. The question was, would they extend their territory on the Gold Coast of Africa? His opinion was that they had lately had too much of tropical possessions, and that they ought not to extend them. He asked himself what were the grounds on which they proposed to extend their territory on the coast of Africa? Why, they had had a correspondence passing between their Government and the Danish Government on the subject; and, so far as he could understand it, they were, first of all, to extend their operations on shore for the suppression of the slave trade—next, they were to extend their trade, and then there was a general plan for the diffusion of civilisation on the continent of Africa. Well, now, the first of these questions was, whether they were to go on, with increased outlay and exertion, to suppress the slave trade on the coast of Africa? He thought there was a very great doubt in the country whether we should continue the operations we were now engaged in—whether we should carry on our operations at sea. But here was a new plan for operations on shore; because the plan was, that we were to go on building forts and extending our territory, in order to put down singlehanded what we had failed to do in conjunction with France by sea. This plan was put before them by Governor Winniett, in evidence which he gave before a Committee of the House of Lords, which was laid before us last year. This was the evidence:—

> "Have you any means of forming any judgment as to how far the system of the occupation of forts upon that coast might be extended?—Yes; I have on one or two occasions corresponded with the Secretary of State on that very subject; and it is my firm opinion that slavery will never be done away, excepting by blockading the Bight of Benin, and building forts along the line of coast. I do not mean simply blockading by not allowing Spanish or Portuguese vessels to go there; but I mean to say, that in two years, or two years and a half, by blockading the coast thoroughly, you must do away with slavery; because it would compel the King of Dahomey to come into our views; for they cannot do without English manufactured goods, and I think that in two or three years he would certainly come into our views in respect to the sum of money. But it must be such a blockade by steamers as not to allow anything to pass, and at the same time erecting forts every ten or twenty miles; something in the same shape as the forts on the coast of Sussex, the martello towers."

He was reminded that there would be many places out of the reach of our guns; and his answer was—

> "Those forts would have twenty-five or thirty troops, with officers, and we should patrol the beach, just as you do in looking out for smugglers upon the coast of Kent, and we should always have a telescope on the top of those towers, watching for the approach of any vessel."

They had always some fresh plan for the suppression of the slave trade. First, they had steam vessels, then they had the Niger expedition, with its horrible loss of life, and now they were to have martello towers which were to put an end to the slave trade in two years and a half, according to Governor Winniett's opinion. Some persons might suppose he was exaggerating; but he had the advantage of hearing the evidence of Earl Grey, which was not yet printed, and that of itself was a good reason for deferring this vote. Earl Grey approved of the plan suggested by Governor Winniett, of extending forts along the coast. Such an opinion expressed by Earl Grey was rather alarming, because he was a Cabinet Minister, and it was likely that his opinion was shared in by the rest of the Government. Why, if they could not abolish the slave trade—which was an export smuggling trade by means of steam vessels, it was futile to think of abolishing it by means of stationary forts on land. The next object for which these forts were to be purchased, was to extend their trade on the coast of Africa. Now he, as a free-trader, maintained that if they removed the obstacles on trade, it was not their business to purchase land for the promotion of agriculture or trade. They had petitions from Manchester and Liverpool in favour of the purchase of these forts; but he maintained that they should not vote the money of the taxpayers at large to promote the interest of particular traders in a particular locality. A Member of that House who was very largely connected with the trade on the African coast had been mentioned in connexion with this subject; but that individual had been offered the Danish forts for nothing if he would only hoist the Danish flag. They had been told that the growth of cotton would be promoted by buying these forts. If that were so, how was it, that with a large portion of the Gold coast under their influence for a long time, they had as yet heard of no importations of cotton from that quarter. The people of British Guiana stated, in a petition which had been presented to that House, that the soil and climate of that country was admirably adapted for the growth of cotton, and were it not for the obstacles thrown in their way by the Colonial Office, that they could grow enough for the entire consumption of the country. [Mr. HAWES: Hear, hear!] He did not mean to prefer any charge against the Colonial Office. What he wished to impress on the House was this, that it was not necessary to invest public money in the purchase of territory on the coast of Africa, with a view to the growth of cotton, when they had Guiana, Jamaica, and other West India Islands, for a length of time, without getting any cotton from them, although they were told these places were adapted for its growth. He maintained that they had no right to come to that House to ask for money in order to purchase territory on account of such a remote object. Let them remove the obstacles on trade—do away with their custom-house officers as far as possible—abolish the excise—and by these means they would help and encourage trade; but let them not ask that House for money to buy territory in order to grow cotton. Then there were very magniloquent terms used with regard to the extension of civilisation and the promotion of Christianity on the coast of Africa. In a letter from Sir C. Trevelyan, dated the 12th of December, it is said—

> "My Lords concur with your Lordship and Lord Palmerston as to the results of such an arrangement in the extinction of the slave trade and the improvement of the inhabitants which must be anticipated from such a measure."

And Mr. Merivale, in writing to Sir C. Trevelyan, says—

> "It is unnecessary to point out the advantages which must result from the measure with regard to the diffusion of Christianity and the spread of civilisation on the coast of Africa in connexion with the increase of British commerce. The acquisition of the Danish forts and the spread of British influence will give efficiency to our policy in the territory subject to our jurisdiction."

That was embarking on a wide scheme indeed. That showed that he was right in viewing this not merely as a vote of 10,000*l.* They aimed at nothing short of the civilising and Christianising the vast coast of Africa. But he held that they had a great deal to do at home within a stone's throw of where they were before they embarked on a scheme of redeeming from barbarism the whole coast of Africa. Well, then, the question arose—what forts were they going to buy from the Danes? Were they going to buy the forts merely with the territory within the command of their guns, or were they going to extend the dependencies? That was an important question, and it did not distinctly appear which was the object in view; but the House should bear in mind this fact, that they had never claimed the right of sovereignty beyond the reach of their guns over those parts of the Gold Coast, where they had established themselves; and the report of the Committee of 1843 declared that to be a sound principle. If they extended their territory, they would involve themselves in endless obligations. But there was contained in the report an account of a tour of Governor Winniett, in which he speaks of the natives wishing to offer fealty to the Queen, by giving him the handle end of a spear, and presenting the point at themselves. He spoke of a tract of country one hundred miles in the interior, and bordering the territory of the king of Ashantee. A very formidable tribe possessed that country. They had engagements with them before; and if they were to occupy this country, who was to guarantee that they would not find themselves embarked some fine morning in a war with the Ashantees, as they had been engaged with the Caffres some two or three years ago? This was an important question, and should be well considered by the House before they sanctioned the purchase of these forts. If they were not going to buy any territory, but merely the forts with the land under the range of their guns, what was to be the character of their relations with the native tribes? Were they to be dependent on this country? But they were told that there was a probability of raising a revenue from the natives. He never knew a case in which territory was to be purchased or acquired, in which they were not told that it would bring a revenue. But the result generally was, that it was a source of money going out, instead of coming in. If they succeeded in raising money by building custom-houses at the foot of these forts, he could only say that it would be the first time such a feat was performed. What was to prevent the people from landing goods elsewhere, than within the reach of their guns in these forts? But then the duty was to be moderate—3*d.* a pound on tobacco; and then they were to receive a small duty on 3,000,000 gallons of rum. If these duties were to be levied by means of custom-houses connected with the forts, the trade would be carried on by contraband—it would be like the slave trade, and smuggling would be carried on in spite of them. He exhorted the House not to trust in this revenue till they saw how it was to be raised. The estimate of expenditure on account of the purchase of these forts was most fallacious, and he would advise the House not to confide in it. He had been sitting for three years on the Army, Navy, and Ordnance Committee, and if he was convinced of any one thing more than another, it was as to the fallaciousness of the estimated cost of their garrisons and establishments abroad. The Civil Estimates furnished no criterion of the vast expenditure which was going on; and in the Army Estimates for this year there was an estimate of 6,000*l.* a year for a corps of blacks on the coast of Africa, in consequence of the purchase of these forts. This was but the beginning of the outlay. The hon. Gentleman the Under Secretary for the Colonies would, perhaps, reply that the West Indian corps which was now there would be withdrawn. But Earl Grey told them that it would not be so. Stores and other items of expense would be required in consequence of the purchase of these forts, and it was for the purpose of guarding against another outlet of expenditure that he exhorted the Committee to pause before they recognised the principle of extending their possessions in tropical climates. He said tropical climates, because there was a great difference between acquiring territory where the race might become indigenous, so as to extend commerce and to spread the principle of self-government over the world, and taking possession of tropical territory, where their own race was not indigenous, where Government must be upheld by force, and where there was no prospect of being able to disembarrass themselves of the responsibility of governing the people. When they formerly took possession of tropical countries, they endeavoured to compensate themselves for the expense of governing them by monopolising trade. But they had now abandoned the principle and entered on a new epoch. He recollected that Burke, in his speeches on the American revolution, assigned two motives for colonisation—one, that of having an exclusive trade with the colonies, and maintaining navigation—the other, that of deriving a revenue from them by means of taxation. The principle of monopolising trade had been abandoned, and the navigation had been thrown open to all the world. The present, therefore, was the moment when they ought to pause before they extended their dominion by one square yard of territory in tropical climates. Another consideration why they should pause before they sanctioned the purchase of these forts was, that the climate was most prejudicial and fatal to the health of white men. We should be told, perhaps, of the great benefits to civilisation and humanity in our taking steps to abolish the slave trade. But was there not some consideration due to our own race, to those whom we should be sending to the coast of Africa, "the white man's grave?" Mr. Lander stated before the Lords' Committee that the mortality among the whites on the Gold Coast was 25 per cent per annum. What did the examination of Governor Winniett show?—

> "Do you find that the health of the white officers suffers very much from the climate?—Very much; seven died during the time I was out there upon the coast alone. Did your health suffer while you were there?—In the first instance; you are quite sure, on arriving at the Gold Coast, to have an attack of fever, what they call the 'seasoning,' and two out of five are the average that die. After you get through the seasoning, you are compara-

government, and in no other way could he reduce the local expenditure. The hon. Gentleman argued that nothing had been done towards putting down the slave trade; but the argument only showed how exceedingly ignorant he was on the subject, for by the influence of commerce alone a line of coast of 1,500 miles, from the Gambia to Whydah, had been cleared of the slave trade altogether.

Mr. JACKSON expressed his surprise that the Government had not at once explained the object and real intent of this vote. He had heard a petition from merchants of Liverpool read, declaring that it was necessary to expend this sum of money, and he could understand their doing so; and for this reason—so soon as the 10,000*l.* should be voted, if it was to be voted, the Liverpool merchants would be on the alert to have a share of it. In order that it be paid, bills must be drawn on the different departments, and how were they to be cashed? By the manufacturers of this country trading from London and Liverpool. In that process the Liverpool merchants would take care of themselves, and receive their share of the profit. He could, therefore, understand their petitioning in favour of this vote. But before he gave his sanction to it, he wished to know from the noble Lord the Secretary of State for Foreign Affairs, or from the Under Secretary for the Colonies, whether this 10,000*l.* was to be spent in adding to our physical force, or in carrying forward that moral ascendancy through which they all wished to see the slave trade totally abolished? There was not in that House a man more anxious to see the slave trade abolished than he was, nor one less disposed to advocate the saving of money, if by a judicious expenditure of it they could achieve that glorious object. What was the history of that trade, briefly told? About 200 years ago the West Indies fell into our hands, and we went to the coast of Africa for the purpose of obtaining a population for those territories which would cultivate the soil. In accomplishing that object, every imaginable crime was committed, every species of rapine and murder resorted to. At the instance of Wilberforce, Clarkson, Buxton, and other such men, we as a nation changed our views and our tactics. We said that slavery should no longer exist, and we announced that money should be no obstacle in our endeavours to destroy it. But to whom did the 20,000,000*l.* which we voted go? Not to the black men whom we had so badly treated, and to obtain whom we had committed such crimes. No, we paid every shilling of it to ourselves. We paid it in the shape of compensation to the West Indies, our own possessions, which was like paying it from one pocket into another. He would just remind the House of what the Emperor of Morocco said to Cromwell when Cromwell threatened to bombard and destroy certain cities belonging to the emperor. "Give me," said he, "half the money it will cost you, and I'll do it for you." So if we had given to the African chiefs half the money we had spent in maintaining a squadron on the coast of Africa, those chiefs would have been to us tantamount to an efficient police, and would have long since completely eradicated the slave trade. If we compensated those chiefs, and showed them that by a useful commerce they would gain quite as much as they now did by this nefarious traffic, he was quite certain they would embrace the one and abandon the other. He wished, therefore, to know what was to be done with the 10,000*l.*—whether it was to be employed in the commencement of a new policy, or in the continuance of the old system? If the latter, he would vote against it; but if it was for a fresh system, which would tend to the withdrawal of the squadron, he would vote for it. Let the Government change their course; let them spend but half the amount they were now spending, and say that they were prepared to compensate every chief from Sierra Leone to the farthest point at which the slave trade existed, and he was satisfied that in a few years they would accomplish what the country so much desired, and had already made, but in vain, such sacrifices to achieve. He hoped the Government would give some satisfactory explanation of the vote, and not leave its defence to an independent Member. It was not a question of 10,000*l.*, nor 15,000*l.*, nor 20,000*l.*, they had to deal with, but whether they were to begin a system of which they could not foresee the end.

Mr. HAWES said, that if he had hesitated to rise earlier, it was because he had reason to expect, and the event had proved his expectation not to have been ill-founded, that two Gentlemen largely connected with the British trade on the coast of Africa would address to the House observations more valuable than any which he had to offer. Upon this occasion he was very glad to hear the opinion of his hon. Friend the Member for Berwick, and he had no doubt that the House was also glad to hear what had fallen from him; but he confessed that he did not quite understand the speech of another hon. Friend behind him, the Member for Newcastle-under-Lyme. That hon. Gentleman told the House that if they voted the sum of money now proposed, the Liverpool merchants would not be slow to take advantage of such a proceeding; but what possible objection to the proposed vote could be founded on such a circumstance as that? If any two positions could be regarded as more clearly established than any others, they were these: first, that there prevailed in this country a very general opinion that the slave trade ought to be abolished as speedily as possible; and the second was, that the most effectual mode of putting an end to it would be the gradual extension of legitimate trade upon the coast of Africa. Now, experience had shown that every step which Great Britain took in the extension of commerce, had the effect of limiting and circumscribing the slave trade; and, bearing that truth in mind, he could not help expressing strong surprise at some of the speeches which the House had heard; and he confessed that no portion of those speeches struck his mind as more extraordinary than the complaint that the present vote did not comprehend the whole of the expenditure. It surely did not profess to do anything of the sort, inasmuch as it made no pretence to include the expenses of the Army and the Navy employed in that part of the public service. But, passing from considerations of this nature, he would come to the question before the House, and call their attention to the state of that question. There were certain forts belonging to the Danish Government placed along a portion of the African coast to the extent of 100 or 200 miles, and commanding one of the finest rivers in Africa, through which stream there might be derived the largest supplies of all varieties of produce that could be expected to exist in that part of the world; and now, in seeking fairly and legitimately to acquire possession of those forts, and when they were considering the proposition of a vote of money for that purpose, they were told that they were seeking to acquire the sovereignty of the districts in which those forts were situated. But that was quite a mistake; and it was also a mistake to suppose that there existed any intention of imposing taxes of any kind. No doubt revenue, as in similar cases, would be derived from commerce; but it would be revenue in the nature of customs duties, and not at all in the form of taxes imposed by a ruling power upon subjects. Then, if he looked to authority and to the opinions of others upon this important question, he might remind the House of the petitions that had come before them from Manchester and from Liverpool. It might be reasonably supposed that the Gentlemen who signed these petitions were pretty good judges of the extent to which British commerce might be carried in that part of the world, and they well knew its condition. They knew it to be increasing, and they knew also the time at which it had begun to increase. Now if, as he believed no one could deny, our commerce was increasing on the coast of Africa, was it not the best possible policy to extend that trade to the utmost; for, he repeated that it was to the extension of that commerce and to the moral influence of England that the world must look for the extinction of the slave trade. It was hardly necessary for him to say much more with regard to the value and importance of that trade which Great Britain carried on with the west coast of Africa; and saying nothing with regard to the produce of cotton, for which that soil and climate were peculiarly adapted, he would remind the House that from the papers then on their table they might derive all the information that would be necessary for enabling them to form a sound judgment respecting our trade with the African coast; but he might nevertheless occupy a moment in stating that the value of our exports to the west coast of Africa in 1846 was 421,000*l.*; in 1847, 518,000*l.*; and in 1848, 571,000*l.* Looking, then, at the present state and future prospects of our trade with Africa, he ventured to assert that the whole amount of our proposed expenditure would be covered by the revenue accruing from our commerce, and in that opinion he did not stand alone, for it was one held and expressed by Governor Winniett. He had always confidently believed that the regular trade, when fairly and extensively introduced, would very speedily supersede the contraband; and there could be no doubt, if low duties were imposed upon goods legally entered, that the whole of those duties would be easily collected. There was one other point upon which he should like to touch before he concluded. The King of Dahomey, who was one of the principal chiefs on that coast, stated—and the statement was contained in papers on the table of the House—that he found the revenue which he derived from the slave trade was rapidly falling away, in proportion as the legitimate trade increased; that his subjects, since factories for the purchase of palm oil had been established, did not pay their tribute with their former regularity; that they set him at defiance; that they cheated him; and he wished the British Government would remove those factories. Could there possibly be a stronger testimony borne to the effect which the extension of British commerce had upon the slave trade ? Then, he begged the House to remember that these forts were not to be obtained with the view of making them military stations, but for the purpose of securing the protection of the British flag to the fair trader. He did not overlook the fact that the great loss of life on the African coast had often been made matter of complaint; but his answer to that was, that it arose from the employment of white men upon that station, and that it was now proposed to establish a local force. Further, there was a point to which he desired to advert, and that was the stress that had been laid on the cultivation of cotton in Guiana and other places; but they had by their own policy brought the cultivation of cotton there to its present state; and the fact of Guiana being adapted by soil and climate for the cultivation of cotton, formed no reason why they might not promote its cultivation in other parts of the world. A sum of 10,000*l.* applied in the manner now proposed, would do more service to the interests of commerce than in any other mode in which an equal amount could possibly be expended. Upon these general grounds he asked the House to consent to that which he fully believed to be the wisest and most economical mode of contributing to the great work of putting down the slave trade—namely, that of promoting the legitimate commerce of Great Britain with the coast of Africa.

Colonel THOMPSON agreed with the hon. Member for Berwick in everything but the very stringent condemnation he had passed on the Colonial Office; for he thought, never to do right, must exceed the powers of that Office or any other. But on a question like the present, he must look to his constituents. Now, he could imagine one of his constituents saying, "We are in alarm at Bradford at hearing the Government is going to give ten thousand pounds for forts on the coast of Africa. We are afraid there is a plan for increasing our trade, and we know the danger there is in increasing our trade. We have had our trade increased before, and the result is, that there is not a beggar in Bradford, nor scarcely a man who would accept of sixpence if he was to be put to the trouble of asking for it. We have seen quite enough of that kind of thing, and we beg there may be no more." He had said he could imagine one of his constituents saying this, but he could not imagine any more; because individuals were subject to aberrations of intellect, but communities were not. He would, therefore, vote for any reasonable expenditure which might tend to the development of the trade by which his constituents were to flourish. But he saw further reasons why Great Britain must lose no opportunity of increasing her commercial power. He had some time ago had occasion to represent to that House, that there was a quarter in which a spirit intensely hostile to Great Britain was arising. He had no wish to speak unjustly of America; but there were two seeds struggling there, the seed of the men who went out from us and of whom the old world was not worthy, before whom he should rejoice to see all heads bared and all standards bowed in reverence; and there was the seed of our negro-drivers—men who had given, and were every day giving, proof of the incompatibility of slavery with all political and social morality—men who had said, "Evil be thou our good," to a greater extent than had been elsewhere witnessed in the world—and who hated England as the mother and patroness of the freedom which was their enemy, and had sworn in their own inflated language—the proof of the *animus* which moved them, whatever might be the chances of its execution—within the life of children now born, to substitute "the modest stars and stripes" for the "flaunting bunting that floats over Windsor Castle." And it was clear enough, that within the time specified, strength would not be wanted for the trial, if England did not use the time in increasing her own strength by the means which nature or Providence put within her reach. The plan of America, at this moment going on unchecked, was to cover the western world with slave States to be component parts of her own power. If England, therefore, did not play off free Asia and free Africa against slavish America, the time would come when the American would spit in her palaces. Meanwhile the chances were in favour of England; for there was an English principle at work as well as an American. The English principle was to unite all races and bloods under the name of Englishman. Read De Foe's description of a *True-born Englishman*, and see whether any harm could be done by the introduction of black Englishmen. The Horse Guards Blue did not object to a a horse because he was black; and why should a citizen be objected to on the same account? In Africa, as in Asia, we had men impervious to the influences of climate, ready to amalgamate with us and to do our behests; and if we did not find the men able for our purposes ready made, we must make them. Forty years ago he had endeavoured to lay the foundation of a Cadets' school, in Africa, where the sons of Africans of influence should receive such an education as is given to midshipmen in the gun-room of a line-of-battle ship; it was very likely his successor put it down, but it was not difficult to see the uses that might be made of such a system. He had often wondered how long it was before Tubal Cain, who was stated to be the first blacksmith, found out he could use an intervening material to hold his metal, and so save his own fingers from being burnt. Just as imperfect policy was it, for a European nation desiring to exert itself in Africa, not to find out that there was an instrument ready made, God's tropical man, who had only to be employed, or if not now fit for the employment, made so. The time was over when people pretended to doubt of the capacity of the African. If the European, the Jew, and the Arab, were the best stocks of the human family, the African undoubtedly came next, and wanted nothing but trying, to prove the goodness of his blood. Africa, in fact, appeared to be stretching out her hands to Great Britain, for there were few or feeble prejudices there to oppose a junction; and a general feeling among the natives of that country was, that the highest honour and good fortune which could befall them, would be to become English citizens. For all these reasons, he would run the risk of what might betide him from his constituents, for voting for the 100,00*l*.

MR. M. GIBSON said, there was one part of the explanation of his hon. Friend the Under Secretary for the Colonies which was not clear to his mind, and which he thought had an important bearing on the matter in hand. It was said that a large revenue was to be derived. Now, somebody must pay this large revenue. It was said also that the tariff of duties which was to be enforced had been submitted to somebody who had approved of it, and this "somebody" was said to be a merchant connected with that trade. Now he did not think that the tariff of duties was to be approved by a particular merchant interested in that trade. But the question was who were they going to tax? Why, these very negroes for whom they expressed so much sympathy. His hon. Friend the Member for Berwick said these ports were the inlets to that part of Africa. Then what were they going to do? They were going to place themselves at these ports, without any right, and to collect a tribute on the articles that were brought into that country for that population, and this tribute they told them was for the benefit of that population. And then the hon. Gentleman told them they were going to christianise the population. They were always told that was the object. He doubted very much whether they would. The only thing they would do would be to make these negroes pay more for their rum and tobacco, and all for the benefit of the British Exchequer. He did not like economy at the expense of those whom they had no right to tax. He wanted to know from what source this right sprung. It was said that it was all for the benefit of our merchants trading with Africa; but would imposing a duty on British manufactures going into Africa extend our trade? He must say, if we were to have these ports it would be more creditable for us to pay the expense of them, than to defray it by taxing the negroes. On these grounds he should vote for the Amendment.

MR. CARDWELL said, that no doubt any duties which could be raised upon the import of rum or other articles would go in aid of the annual expense of the ordinary establishments; and if any new establishments were required, it would then be applied in aid of the additional expense thereby incurred. But the question now was, whether they would apply a sum of 10,000*l*., once for all, for the purchase of certain guns and other munitions of the full value of 10,000*l.*, now lying and being in certain Danish forts on the western coast of Africa, the surrender of these forts being made to us, at the same time, entirely gratuitous; and would they be doing a wise, or an unwise thing, in accepting that jurisdiction? He had before him a map of the forts in question, from which it would be seen that down to the Equator the slave trade existed only in the Bight of Benin; in other words that the impediment to the legitimate trade of Great Britain, namely, the slave trade, existed only in the Bight of Benin. Along the Gold Coast we had had a succession of forts from time immemorial; and immediately adjoining the Danish forts, at the furthest east, was a lagune, an internal navigation, which was a great focus of the slave trade. The King of Dahomey, who derived a considerable revenue from the slave trade, had actually invited us to establish a fort at the point intervening between this lagune and the Danish forts. Now, if the hon. Gentleman the Member for the West Riding, and the right hon. Gentleman the Member for Manchester, would say, "Abolish the whole of the cost of African expenditure, spend nothing upon the forts on the Gold Coast, and do not spend anything upon forts in the territory of the King of Dahomey," although that advice would be contrary to the report of the Committee of 1842, it would at least be consistent in itself, and have the semblance of common sense. But the Amendment said, "Keep up your expenditure upon the Gold Coast, though it offers no impediment to the slave trade, but do not fill up the hiatus between those establishments and the Danish forts; and although the Danish Government is willing to give them up for nothing, do not spend 10,000*l.* once for all upon a purchase which will make your territory complete, and your operations effectual." But the right hon. Gentleman the Member for Manchester objected to placing a tax upon imports from the interior of Africa. On this point, he could only say he was surprised to hear such a doctrine from Gentlemen who were peculiarly the advocates of financial economy, and who objected to every item, however unimportant, in the miscellaneous estimates. Giving them the benefit of the argument—"do not tax the natives of Africa," they should not forget that the Government would have provided for the necessary expenditure of the establishment by a moderate tax on the natives; but that, in order to please the financial economists, they insisted upon having 6,000*l.* for that purpose left in the estimates. Let him, however, call attention to another consideration—the effect of the slave trade upon the legitimate trade, which the commercial representatives of England were bound to promote. A fertile country and a large population, not upon the coast but in the interior—how was it they did not consume Manchester goods? Because in the interior the country was a scene of war and rapine, in order to keep up the slave trade. It could not on that account be a seat of industry. It was in evidence, however, that the people looked upon the English as their friends, and the persons with whom they most desired to trade; but if there was only a slave trade, they must live by the slave trade, because they could not cultivate along with it those products which were legitimate objects of commerce. Manchester could not manufacture for them, nor Liverpool carry for them, unless the slave trade were put down. But if we carried our jurisdiction along the coast, there could be no slave trade in that large and fertile internal region, because there would be no facilities for export. The same effects would follow there as had taken place in the Bight of Biafra. There, since the slave trade had been abolished, 22,000 tons of British shipping were employed last year, though previously when the traffic was carried on, not a single British vessel could be found there. Such being the state of the case, was it extraordinary that the commercial Association of Manchester and the African Association of Liverpool should have presented petitions to the House that this money should be expended? If Liverpool merchants were not slow in taking advantage of this trade, whose articles, he would ask, were they exporting? Why, those very articles which the constituents of the hon. Gentleman the Member for Manchester were so usefully employed in manufacturing. The question, too had been adverted to, whether we could not obtain from that part of Africa a supply of cotton for our own manufactures? He had often heard in that House descriptions of the extreme importance of finding new sources of supply for our cotton manufactories; indeed, the English language could hardly go too far in expressing the extreme importance of finding a new and independent supply of cotton. The Chamber of Commerce of Manchester, in a memorial to the Government, dated January 10, 1850, speaking of the late Mr. Duncan's visit to Dahomey, said, "An increase in the sources of supply of raw cotton is a matter of importance." It yielded not, they said, in importance to the importance of a plentiful supply of food, and he agreed with them. Now, he had been informed that already there had been an import of cotton into this country of a most encouraging quality. There was great reason to expect the highest advantages from this cause; and this experiment alone justified him, in the position he had the honour to hold, in voting that the sum of 10,000*l.*, in the circumstances under which it was asked, should be voted by the House. Mr. Duncan added, said the Chamber of Commerce, that there were then twelve ships taking in palm oil, where, only three years ago it was rare to see three vessels, two of which would be slavers. Then it was said that through the influence of their talented and persevering Member, a charter could easily be procured for a company under the title of the African Agricultural Company. He must of course leave the African Company and its prospectus in the hands of the hon. Gentleman; but he hoped he had amply justified the vote he was about to give. The right hon. Gentleman objected to the policy of an armed squadron upon the coast of Africa, and to putting down the slave trade by an armed force at sea. He (Mr. Cardwell) would not enter upon that question, but he would remind the House that we had had forts upon the coast for fifty years, and that for fifty years there had been no slave trade there. It had been said that the British name was hated. But the king of Dahomey would not give a passport to any but English, and he implored us to send him missionaries. If we wished to extend our commerce with the interior of the continent of Africa, and to promote objects which it was said could not be effected by armed force but only by pacific means; if we wanted to suppress the slave trade, and to diffuse Christianity, he could see no possible objection to the vote.

Mr. V. SMITH was glad that the Government had made their treaty for the purchase of these ports conditional on a vote of that House; he only regretted that the question had not been submitted in a larger form, namely, whether we should, by either purchase or conquest, extend our colonies to the very utmost. We were not to lay down a rule of establishing a crusade in every quarter of the globe, and expending a vast amount of money, for the sake of extending Christianity—the principle laid down in the report. It was remarkable that most of our attempts to spread Christianity in Africa had failed; even at the Cape of Good Hope the Governor stated such to be the case. It was said this would extend the moral influence of England; but nothing more was meant than impressing the natives with an idea of our great prowess. Fear was expressed that the French would get hold of these forts, and he saw no reason why they should not. The arguments in favour of their purchase by England, would equally apply to all the forts, Dutch, and others, upon the African coast. He should be glad to hear whether the possession of these forts would diminish the cost of the African squadron; if so, he would support the vote; but on this point the report gave no information. It was said this purchase would make our territory complete; but that could not be, unless we possessed the whole coast. The Dutch and the French were equally anxious with ourselves to put down the slave trade, and perhaps the Danes were not less so. Thence the purchase could not be justified on the ground of its being necessary for the suppression of the slave trade. The idea seemed to have originated with the hon. Member for Berwick, who had thereupon put himself in communication with the noble Lord the Foreign Secretary and the Danish Government.

Mr. FORSTER said, it was quite incorrect to say that he had made any offer to the Danish Government; they had applied to him in the first instance.

Mr. V. SMITH said, we might as well be asked to purchase the French and Dutch forts, if we were not content with the co-operation of those nations in suppressing the slave trade. He was entirely opposed to the projects of extending our colonies by any means; and he hoped the Government would not attend to every suggestion from the manufacturing districts for the extension of colonies with the view of extending trade. He hoped they would be warned by what had taken place in Labuan. The greatest difficulties arose from the unlimited extension of our colonies in all parts of the world—the Cape of Good Hope was a notorious instance of this; and in all those distant colonies the military expenditure in particular was most excessive. It was no doubt a very flattering notion to be continually adding little portions to our territory, with the view of making it complete; but he must protest against such unwarranted extensions, and should vote against the Motion.

Sir E. BUXTON concurred in the impropriety of extending our possessions all over the world; but the effect of the proposed purchase would be, not to increase, but to diminish, our expenditure on the coast of Africa. A revenue would be raised by taxing the inhabitants; and he was surprised to hear the right hon. Member for Manchester, and others near him, object to a colony defraying its own cost. If, by a moderate outlay, we could increase our commerce in Africa, the money would be well spent. Our present colonies there were very near those of the Danes and the Dutch; so much so, that it had been impossible to raise revenue from them, or to give security to the trade. By adding the forts in question, both objects would be accomplished. As to the supply of cotton, it was surely worth 10,000*l.* to try the experiment whether it could not be obtained from that coast.

Mr. C. ANSTEY said, the object of this vote had been very differently stated by the hon. Member for Liverpool, and by other authorities as competent on the other side. The hon. Gentleman said it was merely to form a nucleus for the spread of Christianity and civilisation in Africa; the hon. Baronet opposite the Member for South Essex said it was to form a new colony which should produce a revenue. He wished to know whether this vote would be taken as a substitute for that most objectionable one in support of the African squadron. So long as we had settlements on the coast of Africa we must have a squadron there for their protection; but the idea of putting down the slave trade by the acquisition of these forts was most vain and illusory. Their possession of these territories was but temporary, and the time would come when the civilised African would be able, without the interference of the white man, to administer the affairs of his own ports. He, on this ground, objected to the extension of such possessions, and to the establishment of even pacific factories, when they were conducted by the Government.

Mr. BRIGHT would oppose the vote on behalf of the trading community which he was supposed to represent. He doubted whether there was, in the history of any country in the world, anything to be found so contrary to the dictates of Christianity, as their conduct with regard to their colonies. With regard to the trade, they were assured that they were now going to take a step which would very likely afford a new source of supply in cotton to the Lancashire merchants, and an increased number of customers for the produce of the manufacturers. Now he would not have the merits of this vote to be judged by any wish that the Commercial Association might have expressed in its favour. The Chamber of Commerce in Manchester did not support it. Mr. Duncan had been furnished by that chamber with cotton seeds of various kinds to take out to Africa; but he believed that the chamber had received a very small amount of cotton in return. He protested against the Chamber of Commerce being quoted in favour of the proposition before the House. If that proposition was placed before them for a decision, it would be rejected by a large majority. The proposition put him in mind of the English raising factories in India about two centuries since. It was then pretended that their intercourse was to be of a mere pacific nature; but since that they had discovered that India had been conquered by the natives themselves under the dictation and the pay of the English Government. He understood that it was the intention of the Government to establish a black corps; now he would not be astonished if they were, after the example of the King of Dahomey, to raise an army of black women. The Government were seeking to establish the principle that it was necessary for them to possess a large portion of the west coast of Africa, in order to keep down the slave trade. Was it not the wish of the Government to become possessed, in the course of the next ten years, of a large portion of the continent of Africa? If such was their intention, it was a pity that they did not state it more fully to the House. This question involved a much higher consideration than the gain of some thousands of pounds to be procured as duty on rum and tobacco. The Government had not always shown themselves so exceedingly anxious to procure cotton for the Lancashire manufacturers. When a Motion was made, some time ago, for a commission to inquire into the state of the growth of cotton in India, the Government opposed the Motion. The fact was, that they did not care one straw about the growth of cotton in India or Africa. It was always with them a political question, and the squadron now maintained at the expense of the country, and in spite almost of Parliament, was kept up by repeated threats of resignation on the part of the Government, and, what was worse, a dissolution of Parliament. The interests of the Government in the growth of cotton was never seen until they had in hand a project of that kind; but when any proposition was made for the benefit of the Manchester and Liverpool merchants, the Government pooh-poohed it, and allowed the Directors of the East India Company to dictate to them the course which they were to pursue. He repudiated, on the part of those whom he represented, any connexion between the cotton trade and its interests, and the project before the House. He rose for the purpose of remonstrating against the supposition that the cotton trade had anything to do with it; and, as there was not the slightest probability of their getting fifty bales of cotton for the next fifty years if such a measure were agreed to, he would support the Motion of the hon. Member for the West Riding of Yorkshire.

SIR DE L. EVANS believed that the cotton merchants were in favour of it. He believed also that they had a great deal of culpability to redeem, as also complicity to atone for; and therefore, for his own part, though this question were connected with the question of the African squadron, which it was not, he was prepared to take any degree of odium that might result from voting in favour of it. He believed that the acceptance of this small territory would be highly beneficial to commerce, whilst the whole expense of maintaining it would not exceed some 1,150*l.* per annum, to be paid by a small duty upon rum. He believed the result would be, by increased commercial intercourse, to lessen the necessity of maintaining the expense of the African squadron; and on these grounds he was prepared to support the vote.

MR. HUTT agreed with the views expressed by the hon. Member for the West Riding, and looked upon this proposal to purchase these forts as another of those costly and abortive experiments by which the people of this country had been so long deluded into the imagination that they were magnanimously suppressing the slave trade. For 30 years together they had pursued the game by no other means. They had made treaties enough, and had undergone sacrifices enough, to have secured the most perfect success to their policy, if success by such means could by possibility be obtained; but what was the result they had arrived at? They had arrived at that conclusion which the Duke of Wellington and Mr. Canning arrived at in 1822—that it would have been well for the cause of humanity if none of those experiments had been undertaken. His hon. Friend the Under Secretary for the Colonies told them, that although they had failed on other occasions, yet upon this they were about to be successful. He had no doubt his hon. Friend was sincere in his belief; but there had been persons who were as honest as himself, and not less sagacious, who predicted success on every one of those experiments. They had, however, failed, and he could perceive no reason why they should think that this would succeed. It was said, that on a certain portion of the coast of Africa they had put down the slave trade. But had they diminished the slave trade itself? Was it not now as large as it ever had been? And was it not carried on under circumstances of as great horror as ever it was? It was not six weeks ago when a most eminent merchant of Liverpool informed him, and produced a letter in corroboration of his statement, that the slave trade of Brazil was now as active as on any former occasion, and that never till now were slaves valued at so low a price in the markets of Brazil. What, then, was the value of their blockading policy? After 30 years of great exertions, all they had done was to force the slave trade to shift its quarters, and to break out with greater violence elsewhere. They were going to purchase these forts; were they prepared to erect martello towers along the whole coastline of the continent of Africa? His hon. Friend the Under Secretary for the Colonies was too sagacious to undertake any such proceeding. Then he begged to tell his hon. Friend, that unless he was prepared to hermetically seal the whole coast of Africa, it was of no use to occupy one or two more points on that immense line of coast. He was himself thoroughly convinced, that if the House passed this vote, they would not put down the slave trade; but that they would embark upon a system of territorial aggrandisement and national expense of which no man living could foresee the extent.

VISCOUNT PALMERSTON: I cannot but think that this question has risen in the course of the discussion to a magnitude very much disproportioned to its real importance. We are told that this is the beginning of a great and extensive system of increasing our colonial possessions; my hon. Friend who has just spoken entertains that apprehension. Another Gentleman thinks that this is the commencement of establishing in Africa a dominion commensurate with that which we have obtained in India. I cannot partake in these apprehensions. The only person, as it appears to me, who has really stated any practical views on the subject, is my hon. Friend the Member for Gateshead, who has just spoken; and who, avowing—I believe I am not misrepresenting my hon. Friend—that he is not an enemy to the slave trade— [Mr. HUTT: I am sorry to interrupt the noble Lord.] Allow me to explain. What my hon. Friend thinks ought to be done is, that there should be an agreement between this country and Brazil, by which we should consent to a regulated and limited system of slavery. I hope I do not misrepresent my hon. Friend.

MR. HUTT: The noble Lord does misrepresent me; but I have already made one speech, and I am afraid the House would not have patience to hear a second.

VISCOUNT PALMERSTON: I thought I was borne out in saying that my hon. Friend maintained that we ought to cease all forcible attempts at putting down the slave trade. I am sure his arguments in public, and I venture to say he won't contradict me when I state that his private opinion is, that the best policy this country could adopt was to consent to a limited and well-regulated amount of slave trade on the coast of Africa. [Mr. HUTT: Hear, hear!] If my hon. Friend does not intend that, I beg his pardon, and I retract it. My hon. Friend, at all events, has stated that our attempts have failed; that after a long course of endeavours to put down the slave trade, we have utterly failed in that attempt; and that the slave trade is just where it was when we began in 1815. But what was the attempt made in 1815 for the purpose of putting down that trade? What was the utmost endeavour which the Powers of Europe would make for that purpose? They thought that at the outset the best plan was to put an end to the slave trade as far as the south of the line. Well, the slave trade, with the exception of a small portion of the coast between Whydah and Lagos, has practically been put down. Therefore it is contrary to the fact to assert that England—in conjunction with, and not in opposition to, all the other Powers of Europe—it is a misrepresentation to say that we have not to a great degree succeeded. My hon. Friend has stated that the slave trade of Brazil is as extensive now as it ever was before our attempts to suppress it. I beg to assure my hon. Friend that he is mistaken as to that fact. The account of the importations of slaves into Brazil in 1849 show that the numbers fell short of the importations in 1848. My hon. Friend, also, is quite mistaken as to the price of slaves having fallen in the markets of Brazil; on the contrary, the price has been considerably augmented. But any one who knows not what is really going on, would suppose from what has been said during this discussion that the question is whether this country should acquire some vast extent of territory in Africa, to be obtained at some enormous amount. Why, the whole question is this—whether we should accept from Denmark a trading post, or fort, as it is called, on the coast of Africa, occupied by a few black soldiers, for the purpose of supporting the interests of commerce, and of affording security to our merchants, and by the possession of these forts protecting that commerce from the jealousy and activity of rivals? If Parliament were to refuse to sanction this acquisition, there is no doubt the acquisition will pass into other hands. I am sure those who know the details of the African trade must be well aware of the inconvenience and prejudices arising to our merchants from the too close a neighbourhood of jealous commercial rivals. The way in which this question arose is this—the Danish Government stated to the British Government, through its Minister in this country, that they had a certain station, or certain forts, on the coast of Africa, which were of no use to them, inasmuch as they had no commerce of any magnitude for which those forts might serve as channels; that they were anxious to hand them over to some friendly Power; and that, knowing the interest which England, in common with Denmark, has taken in the suppression of the slave trade, and knowing also the increasing commerce we are carrying on in Africa, they were willing te make over these stations to England, provided only that we would pay for the materials which were there at the time, and which were valued at 10,000*l*. A more friendly and handsome offer on the part of another country was never made; and a more unwise refusal never could be made to a handsome offer than the refusal which this

House is now called upon to make to an offer so made. We all know that it is very difficult to please everybody. One day we are told that it is of the utmost importance to the manufacturing interest of the country to obtain a supply of cotton; and we are asked, at great expense, to send a commission to India, which could not report for a great length of time, and which would very possibly end in no useful result whatever; and now, here, when we are offered three or four trading stations upon a coast infinitely nearer, where a supply of cotton is known to exist, and where, with ordinary care and good management, we would be sure to obtain a large supply, the House is called upon not to accept the offer, and thereby to forego what appears to be a most likely method of obtaining a supply of cotton. The hon. Member for Manchester seems to treat this prospect of a supply as a matter not likely to turn out advantageously; but the specimens which Mr. Duncan sent home, were, I understand, found to be exceedingly good. I may mention also, that Mr. Beecroft has gone out to Dahomey for the double purpose of endeavouring to conclude an arrangement, such as my hon. Friend behind me thought one of the best modes of suppressing the slave trade, by which pecuniary allowances for a limited period were to be offered to the chiefs, on condition that they should abstain from carrying on the trade; and also for the purpose of collecting specimens of cotton, and procuring a large supply for this country. Now all these objects, whether you are anxious to put down the slave trade without that cost which certain persons grudge, or to form additional openings to the commerce of this country with the interior of Africa—a territory which offers inexhaustible resources for commerce; or whether you are anxious to secure the extension of Christianity and civilisation amongst the natives of Africa—an object to which surely the utmost importance may be attached—all these ends, I maintain, will be promoted by the acquisition of these trading stations, which fill up the gap in the line of communications we already possess, and which may be obtained at a very trifling expense.

Mr. **HUTT**: The noble Lord below me, in defence of his own case, has thought it necessary to state that I have, at some place and time, advocated a qualified system of slave trade. Now, I distinctly deny that either here or anywhere else, either now or at any former time, I ever held such an opinion; and I have only to request that the noble Lord, if ever he should be advised to repeat such a statement, will be prepared to mention the time and the place. There is no person in this House who looks on the slave trade with greater heartfelt horror than I do. It is because I look upon the slave trade as one of the greatest of all human crimes that I am most anxious to repress it; and although I do not doubt the honest sincerity with which the noble Lord is carrying forward his views, I must tell him, since he has challenged me on the subject, that I do look upon him as one of the most practical promoters of the slave trade now existing. I have only one remark further to make. The noble Lord stated that I was entirely mistaken in saying that slaves had fallen in price in the markets of Brazil. The acquaintance which circumstances enable me to have with the singular information which the noble Lord obtained on this subject, and the extraordinary correspondence he receives, have caused me to listen to that statement without much surprise; but I wish to state to the House that it was not without reason that I made the assertion. A gentleman, who is one of the first merchants of Liverpool, and who gave me permission to make use of his name when I repeated the stetement, assured me not six weeks ago, in London—and he held the letters in his hand which he had just received by the last Rio packet confirming his statement—that at no previous period had slaves been offered for sale at a lower price in the markets of Brazil, and that was after thirty years of attempts to put down the slave trade, when we had a force on the coast of Africa and in the West Indies employed on this service greater than at any former period.

Viscount **PALMERSTON**: If my hon. Friend wishes me to state time and place, I can only say I was under the impression that at an interview I had with him in the Foreign Office, he stated to me that in his opinion there was a natural tendency for labour to flow from Africa to America, and he wished me to consider and weigh well in my mind whether it would not be possible to come to an arrangement by which a certain limited amount of slave trade might be carried on with Brazil, subject to arrangements which might render the passage less prejudicial and injurious. If he says I was mistaken, I will at once admit that I was so, but that was my impression.

Mr. HUTT: I have not the slightest doubt that the noble Lord had not the least intention of misrepresenting me when he rose a second time to repeat his statement. I deny that I made the statement which the noble Lord has now imputed to me; he utterly mistook me. He granted me the honour of an interview with him at the Foreign Office, when we had some discussion on the subject, and I then pointed out to him my opinion, that, inasmuch as it was almost impossible, under existing circumstances, to prevent the influx of slaves into Brazil, it would be advisable that, in concert with Brazil, we should adopt some system similar to that by which we are now supplying our own West Indian colonies with free labour; and that if Brazil could be supplied with free labour, it would more effectually put down the slave trade than all the efforts we are now making. Sir, that was my statement, and no other.

Mr. HUME said, a more extraordinary discussion had not taken place within his recollection. Of the advocates of the measure no two had agreed as to the grounds on which it deserved support. The noble Lord the Foreign Secretary said, that from the year 1815, the efforts made to put down the slave trade had been completely successful. Why, if the evidence taken before the two Houses was to be relied upon, so far from that being the case, the number of slaves transported to America had been doubled and even trebled. The noble Lord's reasoning was very singular. He said, "The Danish Government have made a very liberal and handsome offer, and will you refuse it?" Why, what was the fact? The Danish Government, after keeping up these forts at an expense of from 3,000*l.* to 5,000*l.* a year, had offered them to an individual merchant, on the condition that he should hoist the Danish flag— an offer which he was too prudent to accept. As to expecting a supply of cotton from a district where their power would not extend beyond the range of their guns, it would be madness. Had hon. Members considered what they were asked to purchase? They were asked to buy six forts. Of these, the first, Christianburg, was a place of considerable extent, mounting forty guns. This was represented as a factory. Along with it was a martello tower and a burial-ground. The other forts were nearly all in ruins, and they would no doubt be asked for grants of money to repair them. In fact, the country was asked to take upon itself an enormous and interminable expense. The intermediate distances were to be so studded with forts, that it would be impossible for a native to land without permission. Though 6,000*l.* was put down as the pay of the men, it must be recollected that that sum did not include either the commissariat or the stores: 1,500*l.* had, it appeared, already been expended for other purposes.

Mr. MUNTZ would like to know what a stranger in the gallery would think they had been about all night. Instead of 10,000*l.*, he must have thought they were discussing the merits of 10,000,000*l.* at least. Why, the sum they had been talking about was beneath their consideration. It was not merely the question of laying out 10,000*l.* that was before them; it was the buying of a property, and if this country had not obtained possession of that property, some other undoubtedly would. With respect to the taxes derived from the natives, about which the right hon. Member for Manchester was so anxious, he (Mr. Muntz) thought that that was only carrying out the principle of the Gentlemen of the Manchester school themselves, that every colony should pay its own expenses. When they recollected the petitions from Manchester and Liverpool and other places in favour of these settlements, whether they were called forts or commercial stations, they could not but be satisfied that for a small amount they were meeting the wishes of a large portion of the population of the country by their maintenance.

Sir W. MOLESWORTH said, that this was not a question of 10,000*l.*, but a question of the extension of a certain system that was being carried on on the coast of Africa. The arguments in favour of that course were chiefly drawn from the memorials of certain merchants in Liverpool and Manchester, asking the Government to extend the trade and commerce from which they derived their profits, by an increase of expenditure out of the pockets of the people of this country. Now, what had been the amount of this trade and commerce as compared with the annual expenditure to the country on account of it? The papers on the table of the House showed that the civil and military expenditure on Sierra Leone, Cape Coast Castle, and Gambia, was 55,000*l.* in 1846; and the same year the imports from Great Britain amounted to 176,000*l.*

Therefore, for every 176,000*l.* worth of goods sent to Africa by these merchants, the people of England were to have to pay 55,000*l.* He had objected to the corn laws on the ground that they took money out of the pockets of the people to put it into the pockets of the landlords; and on the same principle he objected to put 17*l.* into the pockets of Manchester merchants at the expense of 5*l.* 10*s.* to the people of England. For these reasons, without reference to the question of slavery, he should give his cordial opposition to this Motion. Three years ago he had proved to the House that our establishments on the coast of Africa ought to be reduced; and if any hon. Gentleman proposed to stop the vote on account of these establishments, he should be ready to support him.

The Committee divided: — Ayes 42; Noes 138: Majority 96.

List of the AYES.

Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Arkwright, G.
Cocks, T. S.
Crawford, W. S.
Duncan, Visct.
Evelyn, W. J.
Fox, W. J.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Greene, J.
Hall, Sir B.
Hastie, A.
Headlam, T. E.
Henry, A.
Hervey, Lord A.
Heyworth, L.
Hume, J.
Hutt, W.
Jackson, W.
Jolliffe, Sir W. G. H.
Lennox, Lord H. G.
Lushington, C.
Molesworth, Sir W.
Monsell, W.
Nicholl, rt. hon. J.
O'Connor, F.
Pechell, Sir G. B.
Pilkington, J.
Salwey, Col.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. B.
Smythe, hon. G.
Stafford, A.
Stuart, Lord D.
Tancred, H. W.
Wakley, T.
Walmsley, Sir J.
Williams, J.
Willoughby, Sir H.

TELLERS.
Cobden, R.
Bright, J.

Original Question put, and agreed to; as were also Votes—

(3.) 10,875*l.*, St. Helena.
(4.) 7,579*l.*, Western Australia.
(5.) 1,284*l.*, Port Essington.
(6.) 1,486*l.*, Heligoland.
(7.) 5,000*l.*, Falkland Islands.
(8.) 13,296*l.*, Colonial Land and Emigration Board, &c.

House resumed.

Resolutions to be reported on Monday next; Committee to sit again on Monday.

EXCISE SUGAR AND LICENSES.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER said, the object of the resolutions was, to place home produce on the same footing as colonial produce, and to produce such a duty on sugar used in brewing as would render it equivalent to the malt tax.

Motion made, and Question proposed—

"1. That the Duty of Excise on Sugar manufactured in the United Kingdom, shall, until and upon the 5th day of July, 1851, be at and after the reduced rate of eleven shillings per hundred weight, and from and after the said 5th day of July, at and after the rate of ten shillings per hundred weight.

"2. That a Duty of Excise of 1*s.* 4*d.* shall be charged on every hundred weight of Sugar used by any Brewer of Beer for sale."

MR. NEWDEGATE said, he had been informed that certain parties which had some time ago attempted to establish in the county Down a manufactory of sugar from beet-root, had been so much thwarted by excise restrictions, that they had been compelled to give up the undertaking. He wished to ask the right hon. Gentleman the Chancellor of the Exchequer, whether he could give any explanation upon that point?

MR. C. ANSTEY inquired, if it was the intention of the Government to introduce a Bill for regulating the period at which, and the manner in which, the gauging of syrup should take place, so as to make it conform to the method adopted in the manufacture of sugar?

The CHANCELLOR OF THE EXCHEQUER said, he had never heard any complaints of the kind alluded to by the hon. Member for North Warwickshire, and therefore he was not prepared to give any answer to the question that had been put to him.

COLONEL DUNNE said, he had received several communications from Ireland, which clearly proved that the amount of the excise that was levied operated as a prohibition.

Resolutions agreed to.

House resumed.

Resolutions to be reported on Monday next.

CHARITABLE TRUSTS BILL.

Order for Third Reading read.

The CHANCELLOR OF THE EXCHEQUER moved the Third Reading of this Bill.

SIR W. JOLLIFFE opposed the Motion on the ground that sufficient time was not allowed for considering the report of the Commissioners on the subject.

The ATTORNEY GENERAL deprecated any further delay. The principle of the Bill had never been opposed, and a Bill similar in character had already passed the House of Lords. The present measure had received considerable discussion, and the report of the Commissioners did not touch its principle.

Mr. SPOONER wished the Bill not to be pressed this Session. The county courts objected to the operation of the Bill, which would place increased duties on those courts without a proportionate increase of remuneration. He must move that the Bill be postponed.

Sir G. GREY had stated distinctly that the Bill would be brought forward, so that there was not any reason to complain that it came upon the House by surprise. The measure related to matters on which great and almost personal alarm existed, and a delay at that period would amount to a rejection of the Bill. With respect to the judges of the county courts, who would be affected by its operation, it should be remembered that power was placed in the hands of Government to increase the salaries of those officers; but he objected to those gentlemen coming to the House, through the medium of Members, to stipulate for an increase of salary, and he hoped that that would not be made a ground for delaying the Bill.

Mr. NEWDEGATE thought fair ground had been alleged to call on Government to postpone the consideration of this Bill.

Mr. AGLIONBY said, the question now raised was, as to additional remuneration to persons connected with the county courts. That was no valid reason for postponing the measure. The present was not a time to stop an important public measure on an incidental question of an increase of salaries to county court judges.

Mr. HENLEY said, many hon. Members on his side of the House wished to have time to consider the report which had been recently placed in their hands. There certainly ought to be further time allowed for the consideration of this Bill; to afford which, he should now move that the House do adjourn.

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 16; Noes 74: Majority 58.

Mr. NEWDEGATE again moved that the debate be adjourned.

Sir G. GREY said, the report in question contained nothing that ought to obstruct the progress of the Bill. It would materially affect the interest of those charities if there was to be an indefinite delay; which would be the case if the Motion for adjournment was carried.

Mr. HENLEY said, Government had no right to say any unfair delay was contemplated. Some further information had come out recently, which ought to be considered before the Bill went forward. No opposition would be offered to the Bill on Monday next.

Third Reading postponed till Monday next.

The House adjourned at a quarter before Two o'clock till Monday next.

HOUSE OF LORDS,

Saturday, July 20, 1850.

Their Lordships met at Ten o'clock, but only sat for a short time.

House adjourned to Monday next.

HOUSE OF LORDS,

Monday, July 22, 1850.

Minutes.] Public Bills.—1ª Bills of Exchange; Stock in Trade.

2ª Borough Courts of Record (Ireland); Court of Exchequer (Ireland).

Reported.—Incorporation of Boroughs Confirmation (No. 2); Population; Population (Ireland); Loan Societies; Militia Ballots Suspension; Ecclesiastical Jurisdiction; Linen, &c., Manufactures (Ireland).

3ª County Court Extension.

MARRIAGES BILL.

The Bishop of SALISBURY presented petitions against this Bill, and after expressing a strong opinion against the policy of the measure, asked the Government if it was their intention to proceed further with it in the course of the present Session? Many noble Lords who intended to oppose the Bill were now absent, and among others the noble and learned Lord the Lord Chief Justice of the Queen's Bench.

The Earl of ST. GERMANS said, that he saw no reason for not proceeding with it in the present Session.

Lord BROUGHAM thought that this was rather too short a notice for the second reading of such a Bill; at the same time, he intimated it to be his opinion that it would not be expedient to postpone the decision on the Bill till next Session. He trusted that the noble Earl would consider the propriety of fixing a later day than Thursday next for the second reading.

The Earl of ELLENBOROUGH, though he thought that this Bill was a bad one, was nevertheless favourable to the object of it. He therefore hoped that his noble Friend would not bring it forward during the present Session, but would let it be remodelled during the recess. Thursday was too early a day for the second reading. As a sincere friend to the object of the Bill, he recommended the noble Earl to take no further step with regard to it during the present year.

Lord STANLEY declared himself to be an opponent, not only of the Bill itself, but also of its object. Still he thought that every great measure should have the advantage of a full, free, and impartial discussion. He had previously entered his protest, on many occasions, against the mode in which their Lordships (perhaps inevitably) were compelled to deal with important Bills towards the close of a Session, and he repeated his protest upon this occasion. He reminded his noble Friend (the Earl of St. Germans) that there was at the present moment a decreasing feeling in favour of this Bill, and an increasing feeling in opposition to it. It had now lain upon the table for a week or ten days, without a single step being made in its progress. It was a Bill which might originate in that House at the commencement of the next Session. If it were then negatived it would be disposed of for the next Session; and if it were carried, it would go down to the House of Commons with the recommendation of their Lordships in its favour, and might then undergo a fair discussion in the other House of Parliament. If he recollected rightly, it had only been carried this year in the House of Commons by a bare majority of ten voices.

The Earl of ST. GERMANS said, he would take till to-morrow to consider of the course he ought to pursue with regard to the measure.

BREACH OF PRIVILEGE — LIVERPOOL CORPORATION WATERWORKS BILL.

The Order of the Day being read, for the attendance of Joseph Byrne, law writer, Joseph Hinde, warehouseman, and Duncan M'Arthur, book-keeper, all of Liverpool, at the bar of this House at five o'clock, in reference to their conduct with regard to the signatures to the petition of ratepayers of Liverpool (presented to the House on the 17th of June last) praying to be heard by counsel against the Liverpool Corporation Water Works Bill: The Yeoman Usher informed the House that they were in attendance; they were called in: Then William Kent Fletcher, the short-hand writer who took the evidence given by the said Joseph Byrne, Joseph Hinde, and Duncan M'Arthur before the Select Committee of this House on the said petition, was sworn to the correctness of the transcript of the said evidence given before the said Select Committee; and, having identified the said Joseph Byrne, Joseph Hinde, and Duncan M'Arthur, the evidence was read to them.

After the evidence given by Joseph Byrne had been read over to him,

The LORD CHANCELLOR said—Joseph Byrne, you have heard the evidence which you gave before the Select Committee read over to you. Have you any explanation to give of your conduct, or of your reasons for attaching fictitious names to that petition, and for signing the names of other persons who gave you no authority to do so?

Joseph Byrne.—My Lord, when I was first engaged upon this business I went out with the intention of soliciting names as signatures to the petition. It was then my intention to obtain none but legitimate signatures. I got a few persons to sign the petition on the first day. On the next day I went out at eight o'clock in the morning upon the same business; and after 11 hours' great exertion in the one street, I was only able to procure about 80 signatures. When I went to the confederation shop in the evening I saw one gentleman with nine sheets, and another with six sheets of signatures, which purported to have been honestly obtained. I then thought upon the way petitions were got up, and I said to myself "I don't see why I should not adopt the same plan of obtaining signatures." I have no other explanation to give.

The LORD CHANCELLOR: You may withdraw.

The Lord Chancellor put the same question to Joseph Hinde.

Joseph Hinde.—The explanation I have to offer is, that Mr. Graves told me that if I could get persons to sign the petition, it would be all right.

The LORD CHANCELLOR: Have you any further explanation to make?

Hinde.—No, my Lord.

The LORD CHANCELLOR: You may withdraw.

His Lordship then repeated the question to Duncan M'Arthur.

Duncan M'Arthur.—My Lord, a friend induced me to come here and to tell your Lordship the system under which petitions of this kind were got up. It is much against my inclination that I should have connnected myself with such a system. When I came to your Lordships' bar to be solemnly sworn as I thought, I did not expect that you would have turned round and have read the evidence given before the Committee against me. As regards my conduct in this matter, I am just the same as every other person similarly engaged to impose upon your Lordships.

He was then ordered to withdraw.

The LORD CHANCELLOR said, that their Lordships now had before them the evidence given by these three individuals before the Select Committee, and the statements which they had made at the bar in explanation of it. The effect of that evidence and of those statements was, that each of them had been employed, and paid for their labour, in procuring the signatures of ratepayers adverse to a Bill before Parliament; but that, instead of acting honestly in their employment, they had adjourned to a public-house, and there put down names at random, in some cases attaching to the petition the names of actual persons, who had not given them any authority so to act. They had resorted to various other courses to deceive the persons by whom they were employed. In one case, one of the individuals who had just been removed from the bar had absolutely wetted himself with water forced from a pump, in order to induce his employers to believe that he had been out all day in the rain canvassing for signatures. It was a serious offence to endeavour to impose on their Lordships in such a way, and to procure attention to their petition by the number of names falsely attached to it. It was of importance that their Lordships should be satisfied of the genuineness of the petitions presented to them, and that the parties who practised any deception upon them in that respect should be severely punished. He therefore moved, "That Joseph Byrne, law writer, of Liverpool, in having subscribed the names of certain persons without their authority to the petition, purporting to be a petition of ratepayers of Liverpool against the Liverpool Corporation Water Works Bill (presented to this House on the 17th of June last), and in having signed many fictitious names to the said petition, is guilty of a gross breach of the privileges of this House."

After a few words from Lord BROUGHAM,

Resolved in the *Affirmative, Nemine Dissentiente.*

The LORD CHANCELLOR then moved that Joseph Byrne be committed forthwith to the custody of the Usher of the Black Rod for the offence which he had committed.

Agreed to, and ordered accordingly.

The LORD CHANCELLOR next moved that Joseph Byrne be committed to Newgate.

The EARL of EGLINTOUN said, that he had brought this matter before their Lordships, because he felt, as the Lord Chancellor had stated, that a very serious offence had been committed against their Lordships. Many of the signatures which were now admitted to be forged had been verified by other witnesses, and those who had been guilty of such misconduct ought also to be punished. If these three men had not voluntarily come forward to give evidence, this deception would never have come to light. It ought to be taken as some extenuation of their guilt that they had come forward voluntarily to discover this most unworthy trick. They ought not to be punished more severely than those who had suggested to them this crime, for crime undoubtedly it was.

The MARQUESS of LANSDOWNE felt that, to a certain extent, there was some extenuation in the circumstance which the noble Earl had just stated. Still, he thought that these men ought to be committed to Newgate. They then might state their contrition in a petition, and afterwards be discharged.

LORD BROUGHAM thought that that was the right course to adopt. These men, after they were sent to Newgate, could pursue the usual course of expressing their contrition in a petition, and might then be discharged.

EARL GREY observed, that if this system of forging names to petitions were general, the parties who employed these men could not be innocent. He therefore thought that their Lordships were bound to appoint another Committee for the purpose of seeing whether evidence could not be obtained to prove either that certain parties had been guilty of wilfully deceiving the House, or that they had been guilty of the most culpable negligence in not discovering that many of the names were known forgeries.

The Earl of MINTO was led by the evidence to believe that some of the employers of these men were cognisant of the practices resorted to; for it appeared that some of them had ordered the men to put crosses opposite to the names they had attached to the petition.

The Earl of EGLINTOUN said, that the two gentlemen who had got up the petition were then in the House, and most anxious to be heard at the bar.

Similar Motions were then put and agreed to, in respect of the custody of Joseph Hinde and Duncan M'Arthur.

Earl GREY then moved the appointment of a Select Committee to inquire into the circumstances attending the employment of these parties in procuring signatures to the said petition, and into the circumstances attending the presentation of the said petition to the House.

On Question, agreed to, and ordered accordingly.

PROVISION FOR HIS ROYAL HIGHNESS THE DUKE OF CAMBRIDGE AND THE PRINCESS MARY OF CAMBRIDGE.

The Marquess of LANSDOWNE then announced to the House, that he had a Message from the Queen to communicate to their Lordships. His Lordship then placed the Message in the hands of the Lord Chancellor, who read it to their Lordships:—

> Victoria Regina.—Her Majesty being desirous, upon the decease of her late Uncle, of making competent provision for the support and maintenance of his Royal Highness the Duke of Cambridge and of the Princess Mary, relies on the attachment of the House of Lords to adopt such measures as may be necessary."

Ordered to be considered To-morrow.

COUNTY COURT EXTENSION BILL.

Bill read 3ª, according to order, with the Amendments.

Lord BEAUMONT then moved the introduction of a clause, the object of which, was to provide that nine of the existing clerks of County Courts who had given up freehold offices to accept their present situations should not be removable.

Lord BROUGHAM felt it necessary to object to this proposition. The result of adopting the clause would be that none of these nine gentlemen could be removed from office on the ground of incompetence, misconduct, or insolvency. Such a regulation might lead to great public inconvenience. He had much rather that a Bill should be brought in to secure them compensation.

Lord STANLEY reminded the noble and learned Lord that the gentlemen referred to, could not at present be removed for those causes; and it appeared unfair to place them in a worse position than that in which they now stood, merely because the Legisture determined on extending the jurisdiction of the County Courts.

Lord BEAUMONT admitted that public inconvenience might result from the adoption of the clause; but, after fully considering the matter, he thought it better to run the risk of that inconvenience than to commit an act of injustice.

The LORD CHANCELLOR was understood to express an opinion, that the clerks ought to hold their offices for the future subject to removal for cause assigned, provided that were not inconsistent with the conditions on which they had accepted their situations.

On Question, that the clause stand part of the Bill,

Their Lordships divided:—Content 19; Not-Content 13: Majority 6.

Clause agreed to.

Lord BROUGHAM then proposed an Amendment, the object of which was to give a concurrent jurisdiction to the Superior Courts in actions for sums above 20*l.* As the Bill now stood, plaintiffs recovering in the Superior Courts sums not exceeding 50*l.* in actions of contract, over which the County Courts had jurisdiction, unless the Judge presiding at the trial in the Superior Court should certify that the cause of action was one for which a plaint could not have been entered in any County Court, or that it appeared to him that there was a sufficient reason for bringing the action in the Superior Court, could not recover costs. It was not fair to the Judges in the Superior Courts to throw on them the responsibility of giving or withholding costs in such cases. It was better to establish a fixed rule at once. The alteration now proposed was called for by the great traders of London, Liverpool, and Manchester. The noble and learned Lord concluded by moving the Amendment.

Lord BEAUMONT objected to the Amendment. He thought the question of costs ought to be left to the discretion of the Judges, and did not doubt that they would righteously exercise the discretion intrusted to them. There could not be used stronger arguments against the Amendment of the noble and learned Lord, than those which he himself had brought forward in the Committee.

Lord BROUGHAM said, that this was the consequence of his having had the candour to state, as every Member of a Select Committee ought to do, the whole of the arguments on either side; and he was surprised at the boldness of the noble Lord in setting himself against the legal authorities on one of the most important changes that had ever taken place in his experience in the jurisprudence of the country.

The LORD CHANCELLOR said, that looking to the advantages of going to the County Court, if that tribunal was attended with all the advantages that some anticipated from it, it must be a strong and powerful motive to induce a party to go to the Superior Court; and if he had such a motive he should be allowed to go there. He did not believe that any attorney would, for the sake of increased costs, advise going to the Superior Court, as he would run the risk of afterwards losing his client. Influenced by the result of long experience, and of many circumstances which it would be difficult for him to explain to their Lordships, he undoubtedly thought the discretion now proposed by his hon. and learned Friend should be left to the party suing.

Lord WHARNCLIFFE considered the opinions of two noble and learned Lords of such experience as his noble and learned Friend (Lord Brougham), and the noble and learned Lord on the woolsack should have great weight with their Lordships; and he therefore supported the Amendment.

The Earl of CARLISLE said, that after the statements of the two noble and learned Lords, he felt that he could with propriety vote for the Amendment; and he hoped his noble Friend (Lord Beaumont) would now take the same course.

Lord BEAUMONT said, that his objections to the Amendment had not been removed; but, after the opinions which had been expressed, he felt it would be useless to divide the House on the question, although, on the question being put, he should record his opposition by saying "Not-Content."

Motion agreed to.

Lord LANGDALE then proposed a clause, giving a Judge sitting at chambers in the vacations the same power of issuing writs of prohibition as was now possessed by the full courts sitting *in banco*. The County Courts would sit during the entire year, and great inconvenience would be felt during vacation if the power of issuing writs of prohibition was not given, as proposed, by a single Judge sitting at chambers.

Clause agreed to; Bill passed and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 22, 1850.

Minutes.] Public Bills.—1ª Masters' Jurisdiction in Equity; Inspection of Coal Mines; Copyright of Designs; Navy Pay; Municipal Corporations (Ireland) (No. 2).

2ª Registrar of Judgments Office (Ireland).

3ª Ecclesiastical Commission; Militia Pay; Court of Chancery (County Palatine of Lancaster).

MERCANTILE MARINE (No. 2) BILL.

Order for Committee read.

House in Committee.

Mr. STAFFORD said, that there were inquiries out of doors as to the effect of this measure upon yachting, the season for which was beginning, and some persons were under the apprehension that not a yacht would be able to set sail. He wished for some explanation from the right hon. Gentleman the President of the Board of Trade to know whether he had had any communication on the subject from yacht owners, and whether he would object to receive suggestions from them?

Mr. LABOUCHERE assured the hon. Gentleman that it never had been intended to include the Yacht Club in the provisions of this Bill, and he did not think the measure could prejudice them; but if it did affect them in any way, he should be happy to listen to any suggestions, and quite ready to make the necessary alterations on the third reading.

Clause 100.

Mr. HENLEY said, that the Bill made no provision for burying seamen and apprentices, although a peculiar course was proposed for taking care of them when they were dead. A mode was proposed, which had all the inconvenience of the existing law, while no securities were given for the distribution of the property of these deceased persons, but rather the reverse. He advised the right hon. Gentleman to leave this part of the subject alone, and to strike out this clause.

MR. LABOUCHERE said, the matter was not of very material consequence. This clause and the next had been well considered, and, in fact, only re-enactments of former provisions, and applying them to these shipping offices. The substance of the provision was scattered over two or three different Acts, and it was thought that the most convenient course would be to condense them all in one Act. However, if the Committee thought these clauses no improvement, or unnecessary parts of the Bill, he had no objection to postpone them.

MR. CARDWELL said, that the right hon. Gentleman undertook a great responsibility for the Board of Trade in this clause. How could the machinery be arranged that no such difficulties would arise as those now existing with respect to savings banks? If there was a deficiency in these sums it must be made good, and if so, was it to be made good out of the Consolidated Fund? The claim should not fall upon the shipowner. If the right hon. Gentleman would satisfy the Committee that his machinery was correct upon this point, he would be satisfied.

MR. LABOUCHERE should be glad to hear any suggestion from gentlemen of the shipping interest. He could have no motive for throwing such claims upon them.

MR. CARDWELL suggested that the point be postponed to the bringing up of the report. The question was, when there was a defalcation, what course would the Government take when parties arose who made a claim upon this fund?

MR. HENLEY said, they had recently extended legislation upon this subject so much that the probable amount they would have to deal with had been greatly increased. He could understand that when the amount of wages left was very small, it might be given to the Seamen's Fund for the general advantage; but he protested against including all effects whatever to be given to the Seamen's Fund.

MR. LABOUCHERE, upon the whole, approved of the suggestion of the two hon. Gentlemen who had spoken last, and he would strike out the clauses; but upon the understanding, of course, that if found necessary on further consideration, they were to be restored on the report, or on the third reading.

MR. HENLEY said, it must be understood that if the clauses were again proposed, ample time must be given for their consideration. If not, he would rather strike them out at once.

Clauses 100 to 107, inclusive, struck out. Clauses 108 and 109 agreed to.

Clause 110.

MR. HENLEY said, that no provision was made in the clause that the evidence before the inspectors should be taken in the presence of the parties concerned. The clause conferred a vast power, which he hoped would never be given to a local marine board. Moreover, the difficulty might arise of the inquiry being held before an examiner who was unacquainted with the proper mode of conducting it, relating as it might to a man's seamanship or ability to command a ship. The inspector might also be ignorant of the rules of evidence, and the result might seriously prejudice any man about to be put upon his trial. In section 20 great power had been taken for inquiry into the conduct of masters and mates; but in the present clause additional power was taken of inquiring into matters of misconduct and gross violation of the law, but there was no provision that the party whose conduct was to be inquired into should be present. Also in collisions, or what were called "running down cases," there was no power to secure the presence of both parties at the inquiry. The sort of evidence given in such cases should be recollected: and was it just and fair that evidence given in such cases should be taken on oath; and a report made grounded upon that evidence that would prejudice the rights of parties not present at the examination, and perhaps had no opporunity of knowing anything about it?

MR. BAINES said, that the report would be no more binding than the verdict of a coroner's jury.

MR. CARDWELL said, that the same witnesses who were examined before the Commissioners would also appear at the criminal court afterwards. He doubted the expediency of the provision.

MR. LABOUCHERE: Gentlemen must reconcile themselves to applying somewhat different principles to cases occurring at sea to those on *terra firma*. He advocated the principle of this preliminary inquiry, which might operate beneficially to the accused party, inasmuch as, for example, there might be a *primâ facie* case for prosecuting the captain, which that inquiry might disprove. Powers stronger than those usually granted were necessary in these cases; they had hitherto worked satisfactorily, and might be safely left in the Bill. He hoped, therefore, that the hon. Gentleman would not press his objection.

Mr. HENLEY said, if the inquiry was to be limited, as the right hon. Gentleman described, he would not object to it. There was, however, abundant power in the 20th section, and this clause related to matter of a personal character, the evidence on which ought not to be taken behind a man's back. He proposed, therefore, to leave out the words referring to the misconduct of the master or mate, "or that any master or mate has been guilty of serious misconduct of any kind, or has shown gross negligence or want of skill." The omission of these words would reduce the application of the clause to a general inquiry, which he thought just and fair, and exclude inquiry into individual cases.

Amendment agreed to.

Clause agreed to; as were Clauses 111 and 112.

Clause 113.

Mr. BAINES said, this was an important clause as part of the machinery to effect the objects of the Bill, and he proposed, in addition to the words "fine and imprisonment," to add the words "with or without hard labour." The Bill could not deal properly with some of the most flagrant offences without the addition of these words, and he proposed to add the same words with respect to costs.

Mr. HENLEY thought the first Amendment of the right hon. Gentleman an improvement, but objected to the proposal as regarded costs, and called his attention to the 1 and 12 Vic., by which common informers had been much restrained. He did not think it right that these penalties should fall into the hands of common informers who might bring forward the cases. That ought to be guarded against, or the parties, even if they had committed no offence, would be liable to heavy penalties at the mercy of common informers. The hard labour provision might be right and proper, but the question of costs should be kept out.

Mr. BAINES admitted the necessity of placing a check upon common informers. The Committee would decide whether the power of prosecution should be left to the Board of Trade, or to the parties. He thought it had better rest with the Board of Trade, who would take care that no temptation was held out to common informers, whose object was part of the penalty.

Mr. HENLEY said, it was a question whether the powers could not be most safely trusted to a public board.

Mr. LABOUCHERE said, it was a serious thing to inflict upon the Board of Trade the exclusive conduct of the prosecutions.

Clause agreed to; as were Clauses 114 to 122 inclusive.

Clause 123.

Mr. HENLEY objected to the clause altogether. It was most unusual to give costs in summary cases. The expenses of witnesses and fees to the clerk were granted; but he did not know a case in which costs to the attorney were given in a summary case, and he should move that the clause be struck out.

Mr. LABOUCHERE said, that the object of the clause, requiring the costs to be certified as proper, was to prevent the low bloodsucking attorneys who loitered about the courts from cheating the sailors. Whether the objection of the hon. Gentleman had weight or not, that purpose must be effected.

Clause postponed. Clauses 124 to 126 agreed to.

Clause 127.

Mr. HENLEY said, that some definite security should be taken for the expense of the machinery of this clause. Here they proposed to put the wages they might be holding as trustees, with all the other receipts, in one common fund, out of which they proposed to pay all salaries and other expenses, as thereinafter authorised. That he thought was not a convenient form. It was more desirable that the salaries should appear in a distinct form, and that the wages for which the Board of Trade was responsible as trustees should be a separate fund. They had no right to mix up those wages with the common fund without giving distinct and responsible security for them.

Mr. LABOUCHERE said, that the amount of wages the board would receive as trustees would be so small that it would be better to place them in the common fund; for it was not worth while, and at the same time very inconvenient, to constitute this trifling sum into a separate fund. There would be no danger in thus dealing with them, for the money would be as secure as any deposited in the public departments.

Mr. LABOUCHERE said, that the salaries of the persons paid by the Board of Trade would be submitted to the House.

Mr. CARDWELL said, that when so many officers were appointed it was desirable to know the particulars of their salaries. Were the clerks separate for separate purposes, and was there to be a specific statement for each ?

Mr. LABOUCHERE said, that the principal expense was incurred for the East Indian officer. The others would be appointed by the local boards, but the salaries would be paid by the Board of Trade. He did not wish to give these local boards the temptation of appointing officers, although he consented that the local authorities should fix the amount of salaries.

Mr. HENLEY would be satisfied if the right hon. Gentleman would have the accounts kept separate. But if all were thrown into one general fund, how would the public know in what proportions these various sources of income arose, and be able to judge whether it was fair those salaries should be continued, and how much ought to be handed over to the merchant seamen's fund ? He threw this out as a suggestion to the right hon. Gentleman.

Mr. LABOUCHERE said, that the accounts would be kept separate, and would be separately stated to Parliament. But it was really not worth while to keep the wages first alluded to by the hon. Gentleman as a separate fund. The items would be given separately, and when the accounts were on the table the House would be able to see from what source of income the payments were made.

Mr. HENLEY said, that in the case of income arising from fees, it was right to appropriate that fund to office expenses. But those funds for which the board was trustee should go to the parties to whom they belonged, and if kept in the common fund the accounts would be more complicated. Besides, there might be interest accruing on those wages, and the board had no right to appropriate that interest in any other way than giving it to the owner of the wages. He thought the right hon. Gentleman might devise some simpler mode of settling this matter.

Mr. LABOUCHERE quite agreed with that principle, but the whole object might be attained without making special provision for amounts so small.

Clause agreed to.

Clauses 128 to 132 agreed to; as were also the schedules to the Bill.

Mr. LABOUCHERE proposed to add a clause, in consequence of what had fallen from the hon. Member for Liverpool concerning encouraging sailors' homes. He (Mr. Labouchere) was most desirous to promote them, with the sanction of that House, and he hoped that one of the consequences of this Bill would be, that those who would be connected with the shipping offices would be connected also with the sailors' homes. The Board of Trade would encourage them in every way; but the voluntary exertions of the shipowners themselves would do more for the establishment of sailors' homes than this clause, or any Act of Parliament whatever. The object of the clause was to enable corporations to purchase land for sailors' homes.

Clause agreed to.

Mr. LABOUCHERE then brought up the Amendments in the clauses that had been postponed. Several new clauses were added.

House resumed.

Committee report progress.

INCUMBERED ESTATES COMMISSION.

Mr. FRENCH begged to ask the right hon. Baronet the Secretary for Ireland, whether it was the intention of Her Majesty's Government to appoint a Vice Chancellor, or any other officer whose peculiar duty it should be to allocate the fund accumulated under the Incumbered Estates Commission to the different persons having claims upon it; or whether they proposed taking any steps in order to secure the distribution of moneys received under the Act for the sale of incumbered estates in Ireland?

Sir W. SOMERVILLE, in reply, said, that on a former occasion he had understood his hon. Friend to ask whether the Court of Chancery had declined to distribute the proceeds of sales under the Act for the sale of incumbered estates. If he was right in supposing that to be the question, he begged to say that there was no foundation whatever for the report that the Court of Chancery had declined to distribute the money, because by the Act of Parliament they were bound to take charge of the money. He suspected that the report to which his hon. Friend had alluded on a former occasion owed its origin to the following circumstance, as described by Baron Richards :—

> " The Court of Chancery, I apprehend, has no power to refuse to receive moneys transferred

there by our order. The report alluded to has its origin, I make no doubt, on account of the Master of the Rolls having objected that moneys should be transferred from our court to the Court of Chancery by what is called 'a side bar rule,' instead of by an order in court on counsel's motion. The former mode of procedure would induce an expense of a few shillings merely, and the latter something about 5*l.* for each order. The Lord Chancellor approved of this object being effected by a side bar rule, but the Master of the Rolls refusing to concur, a counsel's motion will be necessary in all such cases, although in the Exchequer the same thing may be done by a side bar rule, but hitherto we have lodged no money in that court."

In reference to the distribution of the money by the commissioners, he would read to the House a statement forwarded to him by Baron Richards, the chief commissioner, and Dr. Longfield, which was as follows:—

> "But, in fact, the practice of the commissioners is not to lodge money in the Court of Chancery in any case in which it can be avoided. They will have sold more than half a million of property before they separate for the vacation, and of that sum they hope to distribute the entire, with the exception of about 25,000*l.*, or 5 per cent on the whole; about 100,000*l.* has been already distributed; only two sums have been lodged as yet in the Court of Chancery. The commissioners hope, without any assistance from any court of equity, to distribute 200,000*l.* before the vacation, and 200,000*l.* more in the month of October. There is no part of their practice which gives the public such satisfaction as the readiness with which payments are made when the rights of the parties are correctly ascertained."

PUBLIC BUSINESS.

In answer to Mr. STAFFORD,

LORD J. RUSSELL said: I propose to take the Lords' Amendments on the Irish Franchise Bill into consideration on Tuesday se'nnight. I propose on Friday, at Twelve o'clock, to take into consideration the Lords' Amendments to the Australian Colonies Bill. After the report upon the Mercantile Marine Bill, on Thursday, I propose to consider the Lords' Amendments upon the Metropolitan Interments Bill. I believe that they are not of very great importance, and it is desirable to complete that Bill as soon as possible. There is another Bill with respect to which a question was put to me on Friday last—I mean the Oaths Abjuration Bill, which has reference to the oaths taken by Members of Parliament. I was in hopes of being able to bring on the consideration of that Bill next week; but I find that there is still a considerable quantity of business in the Committee of Supply, which will probably take four or five nights. I could not, on this account, hope successfully to carry that Bill through this House in time to secure for it that consideration in the House of Lords which it would deserve; and I therefore do not intend to proceed with it in the present Session, but I shall go on with it at the earliest period next Session. I may also state that to-night, after Supply, I shall propose to proceed with the third reading of the Ecclesiastical Commission Bill.

POST OFFICE—MR. ROWLAND HILL.

On the Question for going into Committee of Supply,

The CHANCELLOR OF THE EXCHEQUER stated that he had received a letter from Mr. Rowland Hill, with reference to certain statements which had been made in that House by the hon. and learned Member for Youghal on Friday last, in which Mr. Rowland Hill desired him to say that he gave the most distinct and unequivocal denial to any imputations that had been made against him.

MR. C. ANSTEY said, it was due to himself to say that for the statement he made upon that occasion he had documentary evidence—some of it in the handwriting of Mr. Rowland Hill himself; and that if he had been allowed the Committee he had asked for, he should have been able to prove infinitely worse cases of oppression against that gentleman than anything he had stated the other night.

SUPPLY—BRITISH GUIANA.

Order for Committee read.

Estimates, Civil Services (Class 8) [presented 17th July], referred.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. HUME, although reluctant to detain the Committee, wished for a few moments to call the attention of the Government and the House to the state of affairs in British Guiana; and in order to show the improper and harsh treatment which that colony had received, it would be necessary to state that he had during the present year presented a petition, setting forth the unfortunate state of the colony, and praying for a reform in its institutions. In 1849 the hon. Member for Inverness had obtained a Committee to inquire into the affairs of British Guiana and Ceylon; and British Guiana being taken first, the Committee came to the conclusion that the present state of the colonial institutions was most objectionable, and led to serious interruption and injury in public business. They refrained from giving any opinion as to the mode in which alterations should be carried out, but strongly recommended that they should be decided on in friendly concert with the inhabitants, and should proceed on the basis of greatly extending the franchise. He must say that after the speech of the noble Lord at the commencement of the Session he had some hopes that efficient remedies would be adopted; but he was sorry to say that those hopes had been disappointed, and that Governor Barkly, himself professedly a colonial reformer, instead of carrying out the principles which he had stated before the Committee, had acted as badly, if not worse, than any of his predecessors. The House might not be aware that there were two legislative institutions in British Guiana. One of them contained ten Members—five elective, and five nominated by the Crown; and the result was that the Governor having the casting vote, could, and did, render nugatory the votes of the five elected Members. This was in direct contradiction to the report of a Committee of that House. The colonists had petitioned Parliament, the Government, and the Queen in Council, in short had adopted every means open to them, within the constitution, to obtain redress; but no attention whatever had been paid to their complaints, or their discontent. That discontent still existed, and was increasing. It was only by the last packet he had received the account of a large meeting renewing the agitation, which had been for some time suppressed, trusting to the promises of Government, but which was now likely to assume an aggravated form. It was melancholy to think that the Colonial Office would not listen to the moderate complaints of the colonists. The Cape had got free institutions by resistance, and Canada by revolution, and unless the noble Lord interfered, he feared that the same game would be played in other places. He should like to know what would the people of England say to a legislative assembly constructed like the Court of Policy, in which the Prime Minister should have the casting voice on all questions. [The hon. Member then read the proceedings of the meeting to which he had before alluded.] The people complained that they were governed from Downing-street, and not in accordance with their own wishes or feelings, and asked for institutions similar to those of Barbadoes, Jamaica, or Canada. Several resolutions embodying those opinions were agreed to and forwarded to Governor Barkly. He (Mr. Hume) did not wish to detain the House with lengthened details, but would merely express his hope that the House would not let the colony be ruined by the policy of this country. They wished to have the management of their pecuniary affairs, and it did appear extremely hard that such control should be refused to them.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that there be laid before this House, Copies of all Despatches which have been received from British Guiana,'—instead thereof."

LORD J. RUSSELL said, that no despatches had been received from Guiana since May last that would answer the description given by the hon. Member for Montrose; and his hon. Friend the Under Secretary for the Colonies had not as yet had time time to read those which had been received. He feared, however, that his hon. Friend had not made the House acquainted with the real facts of the case, or difficulties with which the Governor had to contend. The party who were clamouring were not a popular reform party, but a close oligarchy, and their real grievance was that the franchise had been extended by the Governor. It was quite true that this party, finding themselves obliged to resort to open election, were now asking for a constitution similar to that possessed by other colonies. The hon. Member for Montrose had stated that the Governor, having the casting voice, was enabled to cushion any attempt made at reform in the Court of Policy; but the case in point bore completely in the opposite direction. It appeared that a Motion was made for a new form of Legislative Council; and the Governor, the Chief Justice, and the Colonial Secretary declined to vote, thus enabling the gentleman who made the Motion to carry it. It was not true, therefore, that the Governor, by his casting vote, was in the habit of defeating all Motions for reform. With respect to the general question, it was, whether the colony was prepared to receive extended political institutions. Governor Barkly had stated that it was not yet ripe for such institutions, and that it would be better in the first instance to extend the franchise to the small proprietors, instead of leaving it to the narrow, and, he (Lord J. Russell) must add, selfish party who now monopolised it. That had been done, and whether the franchise could be more extended was a question depending on the state of the colony, and which he should be much better able to answer after the receipt of the despatches. He did not believe there was any one in this country who would contend that all our colonies should at once get representative institutions; but they would be introduced whenever it was prudent; and when the people were prepared, they would be gradually extended. With regard to the statement he had made early in the Session, he was still prepared to say that he should be glad to see the franchise of British Guiana extended; and he looked forward to an early future when the colony would be governed by a locally-elected House of Assembly.

Mr. HUME said, that as the despatches had not as yet arrived, and after what had fallen from the noble Lord, he was willing to withdraw his Motion.

Lord J. RUSSELL said, it must be negatived, not withdrawn.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Question again put, "That Mr. Speaker do leave the chair."

CASE OF MR. REDMAN—PORTENDIC.

Mr. HUTT rose to call the attention of the House to the petition of Mr. G. C. Redman, presented the 12th of April last. In the year 1833–34, Mr. Redman, in conjunction with other merchants, was anxious to open the trade with Portendic, on the coast of Africa, in conformity with the treaty of Paris of 1783, which specially secured the right of commerce there to British subjects, which right had, notwithstanding, been monopolised by France. Mr. Redman accordingly in that year sent a cargo to Portendic for that purpose, and the Governor of the French colony of Senegal seized and detained the British ships engaged in the enterprise; but the outrage did not end there. The following year the French Government, as if to close for ever the territory of Portendic against British commerce, in defiance of the faith of treaties, declared that port in a state of blockade, and again seized the British vessels that had been sent out. The consequence was that great loss and almost ruin fell upon the parties who had undertaken to engage in the trade. For the portion of those losses which Mr. Redman sustained he had been utterly incapable to obtain any redress whatever, and it was under those circumstances that he made an appeal to the House. He (Mr. Hutt) should further state, that pending the experiment of opening the trade with Portendic, Mr. Redman had, in reply to an application which he had made on the subject to the Foreign Office, received an assurance, dated the 12th of December, 1834, that His Majesty's Government would be prepared to extend to British subjects at Portendic every protection, and to secure to them every right guaranteed to them by treaty. Mr. Redman and his friends were thus encouraged, as the Earl of Aberdeen expressed it, to engage in the trade which they were entitled by treaty to enjoy; and a second time they sent out vessels to Portendic. The vessels, however, had scarcely left British waters when Mr. Redman obtained information from private sources that the French Government meant to place Portendic in a state of blockade, and he applied to the Foreign Office for protection. At the interview which Mr. Redman had on the occasion with the noble Lord the Foreign Secretary the late Earl of Auckland was present, and the noble Lord assured Mr. Redman, that he might implicity rely upon the protection of the British Government, and that a British naval force should be sent out to enforce the right of treaty. A British naval force was accordingly sent out to Portendic, but it arrived too late—Mr. Redman's vessels had a second time fallen into the hands of the French authorities. Thus those British subjects who had engaged in the most lawful trade, under the special promise of protection from the British Government, became thereby involved in losses of a most ruinous character. Mr. Redman then applied to his own Government for redress, and the noble Lord the Foreign Secretary immediately preferred demands for losses against the French Government. The French Government offered 10,000*l.* as indemnity for the losses sustained by British subjects in the affair—an offer which was rejected, and the matter was then referred for arbitation to the King of Prussia. Up to that point Mr. Redman was supported by his Government, but here arose some little point of difference. The case laid before the King of Prussia was a very ambiguous one. Whilst the Earl of Aberdeen and the British Government contended that the illegality of the blockade was made the subject of reference, the French Government had always maintained that no such reference had been made to the King of Prussia, and that, on the contrary, the French Government had never submitted to having that subject called in question. However that might be, it was certain that Mr. Redman was no party whatever to the reference; on the contrary, when he applied to the British Government, as to whether the grounds of reference were in every degree satisfactory on the subject of the losses, he was told that the question at issue was one between the French and English Governments, with which he as an individual had nothing whatever to do. The King of Prussia, however, made his award, granting 1,700*l.* as a sufficient indemnity in a case in which the British Government had refused 10,000*l.* Mr. Redman having then applied to his Government to obtain reparation for his losses, was referred to the award of the King of Prussia, and was offered some small share of the 1,700*l.* That was the case which he wished to submit to the House, and he should make no comment on the injustice and hardships, which were most palpably evident. The hon. Gentleman was about to submit a Motion for an address, when

MR. SPEAKER intimated that as one Motion had been already disposed of on going into Supply, it was not competent for the hon. Member to submit a second.

The CHANCELLOR OF THE EXCHEQUER said, that as by the rules of the House his hon. Friend could not make a Motion on the subject, he need only say a few words on the matter. He agreed that the case was one of those in which no doubt British subjects had sustained considerable loss; but he could not admit that there was, therefore, any claim against Her Majesty's Government in the matter. They had endeavoured to get reparation as much as they possibly could for the aggrieved parties; and Mr. Redman was, practically, in the situation of a man who, having gone to law to obtain damages, and obtained them, found that the amount he received was not sufficient to cover his losses. The amount awarded to him by the King of Prussia had been given to Mr. Redman; and he (the Chancellor of the Exchequer) could not see on what grounds he asked the whole case to be reopened.

MR. AGLIONBY hoped his hon. Friend the Member for Gateshead, though prevented by the forms of the House from bringing forward the question now, would do so on a future occasion. He considered that a Committee would be the only tribunal by which a satisfactory investigation of the facts could be obtained, and he hoped in the next Session Government would not oppose a Motion for an inquiry by that means.

MR. NEWDEGATE believed if Mr. Redman had the opportunity afforded him he could establish his case before a Committee of that House, and he could scarcely suppose that a Government that had assumed so strong a position in the maintenance of his rights and interests abroad, would endeavour to preclude him from a hearing before the House of Commons.

Subject dropped.

SUPPLY—NEW ZEALAND.

House in Committee.

(1.) Motion made, and Question proposed, "That a sum, not exceeding 41,730*l.*, be granted to Her Majesty, to defray the Charge of New Zealand, to the 31st day of March, 1851."

MR. AGLIONBY said, he did not rise to oppose the vote, for he was aware of the circumstances under which the money was required; but he wished not to be thereby precluded from calling attention to other matters connected with New Zealand. His object now was to ask his hon. Friend the Under Secretary for the Colonies whether the grants for the bishop and clergy contained in this vote were to be permanent?

MR. HAWES said, that, as the matter stood at present, the grants for the bishop, chaplains, and schools, were permanent; but as there was a prospect of representative institutions being established in the colony, he could not say how far this country would remain responsible for these charges.

MR. HUME considered that this country had enough to do to maintain its own ecclesiastical establishments, and that to begin paying for the colonial establishments was most objectionable. Where was the system to end, if once admitted—were we to pay for the clergy and schools of all the colonies? He had nothing to say against the efficiency of the bishop; but he contended that, as the House had had nothing to do with his appointment, they had no right to be called upon to pay his salary. He would move that the vote be reduced by 600*l.*, the amount of the bishop's allowance.

Whereupon Motion made, and Question put, "That a sum, not exceeding 41,130*l.*, be granted to Her Majesty, to defray the Charge of New Zealand, to the 31st day of March, 1851."

Sir R. H. INGLIS bore testimony to the high character of the bishop for piety, zeal, and general efficiency, and urged that while the mother country administered the affairs of a colony, she was bound to provide the means of religious instruction.

Mr. AGLIONBY should regret very much if the Committee assented to the Amendment. Dr. Selwyn was receiving a very small salary, while his duties were most onerous and arduous—he having to superintend several settlements, extending over a country as large as Great Britain. [Mr. Bright: That is no reason why he should be paid by this country.] The Bishop of New Zealand had more important and onerous duties entrusted to him than perhaps any other colonial bishop; and though he thought Dr. Selwyn had been occasionally mistaken, and had taken a course hostile to the views and interests of the New Zealand Company, he believed a more zealous, honourable, and conscientious man could not be found; and the trouble he had taken, and the good he had done in assisting in the civilisation of the natives, could not be too highly commended. He had great pleasure in supporting this vote, which was a very inadequate payment for the services rendered, though, he admitted, as much as could be expected from this country. He was glad to hear that representative institutions were likely to be extended to the colony; and he could assure his hon. Friend the Under Secretary for the Colonies that nothing would give more satisfaction to the colonists than an assurance that a Bill would be introduced next Session for establishing such institutions on a just and firm basis. He hoped his hon. Friend the Member for Montrose would not divide on his Amendment.

Mr. HUME objected to the principle of voting money for the support of the ecclesiastical establishments of the colonies. The revenue of the colony was estimated at 36,000*l.* a year; and if the Governor told them that their expenditure must be limited to that sum, it would be so limited, and there would be no necessity to come to Parliament for grants of this description.

Lord J. RUSSELL contended that if the hon. Member for Montrose opposed the vote on the ground that they were now beginning for the first time to support a Church Establishment in the colonies, it was not tenable; for from the year 1842 until the present time a vote had been taken every year for this purpose. This was a case wholly different from that of the North American colonies, where having been in existence for many years, and having the advantage of popular institutions, they were able to support their own Church Establishment; but in the case of New Zealand it had been represented to him by the New Zealand Company and others that it would tend to the settlement of the colony if the missionaries and Church ministers were under the superintendence of a proper and efficient ruler appointed by the Government; and the Government concurring in that view, Dr. Selwyn had been appointed. And without going into the question of whether the duty was worth 600*l.* a year or not, he thought the cause of civilisation had been much promoted by having a bishop there, and he thought it was better to pay that amount for a bishop than a considerably larger sum for the salaries of a number of police magistrates.

Mr. HUME suggested that it might be better to adopt at once the old Catholic rule of the Spanish and Portuguese, to which we seemed fast approaching, of appointing a bishop as the first act of colonisation.

The Committee divided: — Ayes 24; Noes 90: Majority 66.

Vote agreed to.

SUPPLY—HONG KONG.

(2.) Motion made, and Question proposed, "That a sum, not exceeding 20,000*l.*, be granted to Her Majesty, to defray the Charge of Hong Kong, to the 31st day of March, 1851."

Mr. SCOTT objected that this vote, though 5,000*l.* less than that of last year, was still wholly disproportionate to the wants of the colony. He admitted that Hong Kong was of some importance as a military station, but the ground of keeping up this expensive establishment was, that it was necessary for the purposes of trade. The fact was that there was no trade at Hong Kong; the great trading stations being Whampoa and Shanghae, the former being 70 and the other 900 miles distant. The population of Hong Kong was only 20,000 generally, though in consequence of the late disturbances in the Portuguese colony it had recently increased to 28,000. The salary of the governor was wholly disproportionate to any services he could have to perform, and was equal to that of the Prime Minister of this country, and larger than that of almost any other governor, except that of Canada. Then there was a most expensive consular establishment in China, costing 33,000*l.* per annum, while the whole of our consular establishments in all the rest of the world put together cost only 102,000*l.* The Governor, in his double capacity of governor and superintendent of trade, received no less than 6,000*l.* a year. It had been said the reason why this high salary was paid, was to enable him to maintain a high position in the eyes of the Chinese; but the truth was, there was no Chinese of any respectability residing within 100 miles of Hong-Kong. England was paying an immense amount, because of the want of respectability on the part of the Chinese. The amount we paid the Governor of Heligoland was 500*l.* The amount we were now going to vote the Governor of Hong-Kong was 6,000*l.* This was an enormous salary, considering that we only paid the Governor of New Zealand 2,000*l.* Then we paid the aid-de-camp of the Governor of Hong-Kong 300*l.*; the colonial secretary and his department cost 3,654*l.*; making in all 10,000*l.* per annum, and this for the little miserable place of Hong-Kong, where only ten British merchants, one Danish merchant, two or three agents for American houses, and one German agent, resided. The revenue of the colony the year before last was 24,000*l.*; this year it was 23,000*l.*; so that the revenue was going on at a diminishing rate. The cost of collecting the 23,000*l.* was 2,314*l.*, or about 10 per cent. Then we paid for the surveyor-general's department at Hong-Kong 1,458*l.*, or about 300 per cent, the whole of the money passing through that department last year being 500*l.* The harbour-master and his department cost 1,167*l.*, and his duties were discharged by a Lascar who wrote down the names of the few vessels that anchored at Hong-Kong, and who received 300*l.* a year for discharging the duty. But there was a still more formidable amount. For law and justice in the colony, in which the European inhabitants numbered about 600, we paid 15,318*l.* 6*s.* 8*d.* Was there ever anything more monstrous than this in the annals of justice, equity, or extravagance? The population amounted to 28,000; so that law and justice cost at the rate of 12*s.* per head. Then, we paid the chief justice at Hong-Kong 3,000*l.*, and the attorney general 1,500*l.* The other departments cost 2,976*l.*; the chief magistrate received 900*l.*; making in all 7,376*l.* This was totally independent of the cost of gaols and police; and the inefficiency of the gaols and police at Hong-Kong was matter of notoriety. So inefficient were they, that all the merchants were obliged to keep police of their own, and the roads at a short distance outside the town were unsafe. The police and the gaols cost 2,349*l.* Then there was "ditto contingent," 3,446*l.*; "ditto incidental," 1,626*l.*; rent of police office, 450*l.*; making in all 7,841*l.*, which, together with the judicial department, made 15,318*l.* 6*s.* 8*d.* for justice alone. Mr. Jardine stated, in 1839, that in China persons were sufficiently protected, that life and property were watched by an excellent police, and that business was conducted with unexampled facility and singular good faith in general; but the reverse of all this was at present the case. He admitted that the estimate this year was 5,000*l.* short of what it was last year; but he contended that the extravagance still remained comparatively untouched. He, therefore, moved as an Amendment that the estimate of 20,000*l.* be reduced to 15,000*l.*

Whereupon Motion made, and Question put, "That a sum, not exceeding 15,000*l.*, be granted to Her Majesty, to defray the Charge of Hong-Kong, to the 31st day of March, 1851."

COLONEL SIBTHORP expressed a hope that his hon. Friend would take the sense of the Committee on his Amendment. The vote, he believed, included an office into which a late Member of that House, Dr. Bowring, had been pitched. [An Hon. MEMBER said, that Dr. Bowring was consul at Canton.] Besides the vote of 20,000*l.*, to which the hon. Gentleman the Member for Berwickshire had called attention, he found that in page 27 of the estimates there was a further vote of 4,675*l.* for the salaries of different officers connected with establishments at Hong-Kong. He found also, in page 26, a vote of 21,000*l.* for "consular contingencies," including a sum, as usual, for "miscellaneous expenses," classed under the heads of special services, journeys, postage, chapels, and other items of expenditure. Now, these were matters that ought to be looked into. The Government spread these items over the estimate; there was a vote on one page, and a few pages further on, another vote for the same purpose; and he hoped the hon.

Gentleman, by pressing his Amendment, would expose these proceedings. A little was put in one page, and a little in another, and in this way even the hon. Member for Montrose was sometimes, with all his vigilance, taken unawares.

Mr. HAWES said, as the hon. Member who had moved the Amendment had not specified in what particular items or offices he wished a reduction to be effected, he could only conclude that the hon. Gentleman's object was to enforce a general reduction of expenditure, on the ground that the Government had not exercised sufficient vigilance with regard to the cost of the settlement of Hong-Kong. Now, he would show the House the large reduction which had been gradually made in this vote for some years past. In 1845 the total vote for Hong-Kong was 49,000*l.*; in 1846 it was reduced to 36,000*l.*; in 1847 it was further reduced to 31,000*l.*; in 1848 and 1849 it was 25,000*l.*; and in the present year the vote was reduced to 20,000*l.* The saving effected on this vote between 1845 and the present year, was, therefore, 29,000*l.* But the internal administration of the colony had also been very carefully and vigilantly watched, and, in consequence of various reductions of expenditure, and the abolition of offices, a saving of 1,872*l.* had been effected upon the expenditure of 1849. He thought, then, the hon. Gentleman was not justified in his opinion that the affairs of the colony had been carelessly and improvidently administered. The hon. Member for Berwickshire seemed to think that the colony of Hong-Kong was retrograding, that the respectable Chinese were not settling there, and that trade was declining. But Mr. Bonham, the Governor of Hong-Kong, stated, in his last report, that he believed the colony was improving in every respect, if he might judge from the increase of its inhabitants, and the numerous Chinese houses erected during the year, as well as the content which prevailed among the native inhabitants and the Europeans generally. He (Mr. Hawes) might be permitted to say that the Governor of Hong-Kong was a gentleman peculiarly deserving the confidence and consideration of that House. Mr. Bonham was entirely unknown to the noble Lord at the head of the Colonial Department; but the ability he displayed at Singapore having brought him under the notice of Earl Grey, that noble Earl, on the governorship of Hong-Kong becoming vacant, appointed him to the office. Mr. Bonham's reputation was the sole ground of his appointment; and he (Mr. Hawes) considered that the statements of such a gentleman were entitled to some consideration from the House. The hon. Member for Berwickshire seemed to disparage the colony of Hong-Kong. He (Mr. Hawes) did not think, however, that the hon. Gentleman expressed the opinion of the commercial world, for in the report of the China Trade Committee, which sat some three years ago, there was not a tittle of evidence to justify such an opinion. Hong-Kong was deemed a settlement of considerable importance with reference to our trade on the coast of China. At that time many complaints were made with regard to the opium trade, and great abuses and grievances undoubtedly existed; but they had been entirely abolished by Mr. Bonham, who had established a system of individual licences which he believed had worked remarkably well. With regard to complaints that had been made as to the sale of lands, he believed that although Sir H. Pottinger had let the lands at a high rate, he had given leases for 75 years. The subject had, however, been brought under the notice of the Colonial Office, and, while the terms of letting had been retained, the leases had been converted into leases for perpetuity; and the Governor had appointed a local committee, consisting of merchants resident in the colony, by whom he hoped a useful and practical report would be made on this subject. The population of the colony had been increasing for some time past; the respectable class of Chinese were settling there to a considerable extent, and the condition of trade might be judged of from the fact that, in 1849, 826 British vessels, of 293,700 tons, arrived at Hong-Kong, being an increase on the previous year of 196 vessels, and 64,000 tons. He believed the reduction proposed in the vote would ultimately lead to a larger expenditure; and he thought he had shown enough to justify him in asking the Committee to adhere to the vote, assuring him that the Government entertained an earnest desire to reduce the expenditure as far as was practicable.

Mr. MITCHELL considered the vote was so extravagant, that he hoped the hon. Member for Berwickshire would persevere in his Amendment. The hon. Gentleman the Under Secretary for the Colonies had asked what it was that required reduction. His reply was, that not one item, but every item, ought to be reduced. The

Governor of Hong-Kong, whose main duty was to give a dinner now and then to the merchants at Hong-Kong, had a salary of 6,000*l*. This was higher than the sum given to similar appointments. He should propose this sum be reduced to 3,500*l*. Then the chief secretary had a salary of 1,800*l*.; 1,000*l*. would be ample for that functionary. The chief justice had 3,000*l*. a year; the amount might be reduced to 2,000*l*., and this person would not then be underpaid. The attorney general had 1,500*l*. a year, and that sum might be reduced to 1,000*l*. a year. The harbour-master had 600*l*. a year. Reduce the amount to 200*l*. a year, and the total reduction would amount to 5,000*l*. This sum could be saved without inconvenience and without injustice. But there were also other items which might with equal propriety be reduced, and this would very much add to the sum he had named. Government had promised last year to consider the subject of reduction. Government met the request for economy now with the same excuse; and as no dependence was to be placed on Government promises, he hoped the House would see the necessity for interference. For it was the system of appointing individuals to these colonial offices that he objected to most. Why send out as governors lords and gentlemen, to whom the high salaries were a consideration, and indeed the main inducement? They had sent out a governor to Ceylon who was a lord, but a very bad governor. His advice to Government was, to pay proper salaries to governors, and to send out working, competent men to fill those posts. Such a system would be preferable to the present system of sending out some lord, who might want a little fresh air, and who might find the air and the salary of a colony very convenient. The vote was one of unexampled extravagance, and he should oppose it.

MR. H. DRUMMOND said, that besides the 20,000*l*. asked for in this vote, there was a further vote of 32,000*l*., at page 27 of the Estimates, for the expenses of the consular establishment in China. The total amount expended upon this colony, and the Chinese consulates, was therefore 52,000*l*. a year. He considered that a considerable reduction might be made in the salaries of some of the colonial officers without any injury to the public service.

MR. SPOONER observed, that the cost of police and gaols in Hong-Kong appeared, from the estimate now under consideration, to be 2,349*l*. 10*s*.; but, under the head of "contingencies," there was a further vote of 3,456*l*. for the same purpose. He thought the Committee ought to have some explanation why the contingent charge exceeded the regular charge.

MR. HAWES said, that returns had been laid before the House, in which a detailed account of the expenditure would be found; but he could not say, without reference to those returns, what were the items of the incidental charges.

MR. PLOWDEN said, he had been in China for ten years, and he could state that the East India Company's expenditure upon the Chinese establishment, for ten years before the renewal of their charter, had been from 80,000*l*. to 90,000*l*. a year. A table was kept, by their representative, for all Englishmen and foreigners visiting China, at a cost of 10,000*l*. or 11,000*l*. a year. There were expenses incident to such appointments as those now under consideration, which rendered it necessary that those who held them should receive large salaries.

MR. HUME said, that the establishment at Hong-Kong had been an experiment, and it had been expected to prove a great emporium. It had not turned out what was anticipated; and, while he did not blame the Government of the day for what they did at the time, he must submit that, under the changed circumstances, there ought to be a great reduction—he should say, by one-half. In a mere military post, such a civil establishment was not required.

VISCOUNT PALMERSTON apprehended that it was a mistake to view this merely as a colony in the ordinary sense of that term; it was a post for the support and protection of our trade with China in general. When it was his lot to frame instructions to Sir Henry Pottinger, who went out to China with a view to the treaty which he was to conclude, and afterwards did (with verbal alterations) conclude, he (Lord Palmerston) felt it his duty to endeavour to get information from every possible quarter, and he saw persons from all parts of the country who had any knowledge of China; among others, he derived most valuable assistance from his Friend the hon. Member for Portsmouth, whom he did not now see in the House. There were two things these persons pressed upon him as of the utmost importance. The one was, to obtain access to a larger number of ports, and not to be confined to Canton; and the other was, to obtain some insular position on the coast of China as our head-quarters, with a view to the support and protection of commerce. The first idea was, to take Chusan; but that was given up, as not accessible at all times, and not desirable, and Hong-Kong was chosen. But so strong was the opinion that an insular position was of the greatest importance, that many persons doubted whether it would not be fully equivalent to admission to any other port besides Canton. However, we obtained both. But Hong-Kong must be considered, not simply with a view to the amount of trade carried on in Hong-Kong—though it had just been mentioned that a vast and increasing amount of British tonnage went there — but it must be regarded as a place which, providing naval and military assistance at hand, was a support, moral and otherwise, to our merchants in the different Chinese ports. Those who knew what was going on in China must be aware that our position in Canton was by no means a satisfactory one, and that there was a great degree of hostility prevailing among the people there; and it was a matter of very considerable importance to merchants carrying on trade there that there should be a British force to which they could look for assistance in case of need. Now, with regard to the amount of salaries—what was the average scale of salaries of the East India Company? It was said that they were actuated by a spirit of liberality more deserving of admiration than of imitation by the Government; but, though he could not charge his memory with the exact amount, he knew that the scale of expenditure was so much beyond that now proposed, that, compared with the salaries given by the Company, these were upon a very economical scale. But what was proposed now was only for this year; and the experience of what had been done in former years justified the statement, that the attention of his noble Friend the Secretary for the Colonies was sedulously and constantly directed to the different heads of expenditure, with a view of reducing them whenever, and as far as, he should think it consistent with the interests of the public service to do so. It had been said that these salaries were kept high for the purpose of furnishing appointments for members of the aristocracy. That was a very unjust assertion to make upon this occasion. The hon. Member for Bridport said we ought to take men of business: why, what was the choice made in this case? Here was a salary stated to be too high—a tempting bait, therefore, to some member of a noble family; but to whom did the Secretary of State offer it? To an individual whom he did not know, except by the high character he bore—not a member of an aristocratic family, but a man of business — a man who had raised himself to distinction by his own industry, his judgment, and the ability with which he discharged the duties of an important post—and who had no other recommendation but his merits. He referred, of course, to Mr. Bonham. Was this a single instance? He would just mention the names of some half-dozen colonial Governors occurring to his mind at the moment — gentlemen holding appointments of responsibility, and discharging their duty with great credit to themselves, and great advantage to the public service, but who did not fall under the description of being members of noble families, and could not have been appointed on account of family considerations. There was Mr. Anderson, now made Sir George Anderson, appointed to the Mauritius; not a member of an aristocratic family. There was Sir George Grey, appointed to New Zealand, no relation of the noble Lord. There was Mr. Gregory at the Bahama Islands, Sir W. Denison in Van Diemen's Land, Mr. Higginson at Antigua, Sir W. Colebrooke, in Barbadoes; and Mr. Bonham at Hong-Kong was another instance.

Mr. COBDEN said, that a good deal of what had been urged by the noble Lord was an argument in favour of the hon. Gentleman opposite, the Member for Berwickshire. It was said, that Hong-Kong was to be considered more as a military port, or sort of *point d'appui*, for the protection of trade, than as a place of commercial importance. But the noble Lord forgot that they were not voting the military, but the civil, estimates, and they would have to consider hereafter the military and commissariat departments, and the expenses of the fleet. Considering that the civil service had little work, on what they were told was a few years ago a barren rock, ought they to be called on to vote a civil establishment, amounting to 44,000*l.*, of which 24,000*l.* was provided from the local revenue? They were bound to consider the amount as if they were voting the whole sum, for although they were charged on the local revenue, yet it was done by their order. Those charges appeared to be fixed under a delusion which prevailed with regard to new colonies, that they should have their establishments and society upon the same plan as old countries; and establishments were framed for Labuan and Hong-Kong as they would be for Liverpool and Hull. There was an auditor at Hong-Kong, with a salary of 1,800*l.* a year; and what had he to do? He might be a valuable officer if there was a large expenditure—(he supposed all that was voted passed through his hands, the governor's salary and his own included)—but the whole revenue was only 44,000*l.* But this was not all: there was a treasurer and registrar-general, with 900*l.* a year, and a treasurer's department, with an expenditure of 1,292*l.* 10*s.* a year, and all this for a revenue of 44,000*l.* There were 29,000 inhabitants, of whom some hundreds only were Europeans, and only ten merchants; and what sort of judicial establishment was there for this population? The soldiers and sailors, no doubt, were taken care of by the discipline of their own services, and therefore the establishment was for about 1,000 Europeans and 27,000 Chinese. There was a chief justice with 3,000*l.* a year—about the salary given to one of our dignified Scotch Judges. There was an Attorney General in England, and therefore there must be an attorney general there with 1,500*l.* a year. In this country there were police magistrates, and there must, therefore, be one there at 900*l.* a year. Why, a police magistrate with 1,000*l.* a year, and a clerk at 500*l.*, both superabundant salaries, would be ample for all that was required; and the chief justice and attorney general were quite supererogatory. He thought a case had been made out for a reduction of 5,000*l.* a year, and the House would stultify itself if it did not agree to it.

Viscount PALMERSTON said, that the hon. Gentleman seemed to think that the chief justice and attorney general were confined to Hong-Kong; but the courts of justice had jurisdiction over every part of the Chinese seas.

Mr. COBDEN: That was perfectly true. The head-quarters of the judicial establishment was at Hong-Kong; but look how differently matters were managed by the United States, who had nearly as extensive a trade with China as ourselves. They had a consul at each port, with a salary of 1,000 dollars a year, who administered justice to all American subjects, and thus they got done for 200*l.* a year what we paid a chief justice 3,000*l.* and a police magistrate 900*l.* a year for.

Mr. SCOTT said, we had consuls at each Chinese port, for discharging the same duties as the American consuls, for which we paid 32,000*l.* a year. Some of them were at Shanghai, 900 miles from the place where the chief justice resided, and where he had no duties to perform. Of the 29,000 inhabitants of Hong-Kong, 27,000 were Chinese, none of whom were allowed to act as jurymen, although trial by jury was in force. This was, therefore, not only a case of extravagance, but cruel injustice.

Mr. PLOWDEN denied that a police magistrate and his clerk would be found equal to the discharge of the judicial functions of a judge.

Mr. Alderman SIDNEY could find nothing like the Hong-Kong charges in any of the other colonies. In Western Australia there were six resident magistrates with salaries of 100*l.* each, while the chief magistrates in Hong-Kong received 900*l.* While the salary of the judges in other countries varied from 300*l.* to 1,000*l.*, that of the judge in Hong-Kong was 3,000*l.* It was quite startling to think of such a sum as 15,800*l.* for the expenses of adjudication in Hong-Kong. The only colonies in which such large salaries were paid to the governors, were the important colonies of Canada, Jamaica, Ceylon, and the Mauritius.

The Committee divided:—Ayes 41; Noes 53: Majority 12.

Vote agreed to.

SUPPLY—LABUAN.

(3.) 6,914*l.* to defray the expenses of Labuan.

Mr. HUME said, he should object to the vote for sundry reasons, one of which was the conduct pursued by Sir James Brooke to Mr. Wise, his partner. It had been asserted by an hon. Gentleman that Mr. Wise had never been a partner of Sir James Brooke. But he thought he would be able to show that Mr. Wise stood in that relation to Sir James Brooke; and that it was not until after the massacre of 1,500 individuals—which, by the way, had never been published in the *Gazette*, or the orders directing which never laid on the table of that House — that Mr. Wise changed his opinion of, as well as dissolved his connexion with, Sir James Brooke, as the following letter to the noble Lord the Foreign Secretary would show :—

"London, 31st October, 1848.

"To the Right Hon. Viscount Palmerston, &c., &c., Foreign Office.

"My Lord—I have received advices by the last Overland Mail, announcing the departure from Singapore of the Government establishment of Labuan. The foundation of that (if properly managed) important colony, the object of my unceasing efforts since 1842, being at length accomplished, I cannot conclude my voluminous correspondence with Her Majesty's Government on the subject of Borneo, without tendering my grateful acknowledgments to your Lordship, and to the Gentlemen of your Lordship's department of the Government, for much kindness and patient attention to details, throughout the progress of my communications. I therefore avail myself of this opportunity of acquainting your Lordship, that I have terminated the political relationship hitherto existing between Sir James Brooke and myself.—I have the honour to be, my Lord, your Lordship's faithful servant,

(Signed) "HENRY WISE."

The following was the answer of the noble Lord :—

"Foreign Office, November 3rd, 1848.

"Sir—I am directed by Viscount Palmerston to acknowledge the receipt of your letter of the 31st ultimo, announcing the termination of your connexion with Sir James Brooke, and thanking his Lordship for the attention paid to your several communications relative to Borneo, and to the new settlement of Labuan. In reply, I am directed by Viscount Palmerston to thank you for the information which you have at various times transmitted to this office with reference to these matters, which in his Lordship's opinion contributed in no small degree to their final satisfactory arrangement.—I am, Sir, your most obedient humble servant, (Signed) "H. U. ADDINGTON."

Another allegation was, that Mr. Wise had instigated all the agitation that took place in that country, and that he had been urging Sir James Brooke to form a partnership with him. But he (Mr. Hume) had in his possession a letter dated the 14th of March, 1843, in which Sir James Brooke invited Mr. Wise to join him in a buccaneering company, and as partner to share in the profits. The letter was as follows :—

"Singapore, March 14, 1843.

"My dear Wise—I will explain to you now my own ideas on this subject, and you may consider them at your leisure. When we consider the numerous companies which are formed (if properly introduced) I cannot doubt that Sarawak would offer temptations to capitalists which few other fields present, and that the outlay of sufficient capital in mining and agricultural pursuits would repay sufficient interest for money until the country was developed enough to afford direct revenue. A company of three to five hundred thousand pounds capital, in shares (as may seem best to the projectors), would be sufficiently powerful to protect itself, even supposing the Government refused their countenance in direct assistance. The recognition of Government, of course, with such interests at stake, would probably be gained; but it would not be absolutely necessary in the first instance. If recognised, the arrangement would be easier. If they resolved to embark without British recognition, their prospects would be as follows. As a preliminary, the country must be made over to them in perpetuity, under the Borneo crown, with all its revenues, present or future, and the yearly sum I now pay (and in case of success to increase), might be bought out and out for a moderate sum—say 2,500*l.*, or a fixed sum yearly might be substituted. The company would then have the entire territorial right, which might be extended at pleasure. The modes of raising the interest of the money after three years are as follows: 1st, The diamond mines in the river Suntah, which river I have reserved entirely from the encroachments of the natives. I will not dwell on this topic, as it must become a matter of inquiry, further than to say, that there can be no doubt of the existence of diamonds in considerable numbers, both in the pebbly strata and in the bed of the river. The lower part of the river has only been worked; but I am sanguine that the higher you advance towards its source the greater will be the quantity, and on the present ground the endless holes show how the Landak diamond workers find it worth their while to travel so great a distance. I may mention two facts as the ground of my belief in the value of this river. The first is, the statement of a native of consideration and a man of veracity, that in three days' time taking the pebbles out of the bed of the river, he (with ten others) got a quantity of diamonds, which sold at Sambas (at half their value) for 5,000 Java rupees. The next fact is, that at present both Chinese Kunsi's Companies offer to work under European superintendence, and free of all expense, provided I would give them half the profits. The working is easy, and the expense slight, and the mines would come into operation in six months. 2nd, Agriculture—Coffee, nutmeg, sugar, or cotton, one or all, might be chosen on the finest ground, the clearing of which by the Dyaks would cost but trifling sums. This would be an outlay in the first place, but must repay largely in the course of two, three, and seven years, as the various crops came into bearing. Trade—The monopoly of antimony ore, held without expense, may be reckoned at 5,000*l.* a year. Opium, which, as the Chinese advanced, would form a steady monopoly, and from the rest free trade would be considerable, if prices of goods were kept at the same rates as at Singapore. Other sources, such as veins of gold and other ores in the mountains, might be found; but as they are uncertain I need not dwell on them. I may here mention, that neither the existence of tin or copper has yet been fully ascertained. The ultimate advantages on a large scale to be looked to are, the settlement of English planters, the certain increase of the Chinese and native population, and the advancement of the Dyaks, from which sources a permanent revenue would be derived. On my own part, the cession of Sarawak could be made on easy terms, such as a moderate salary as governor, on the same terms as any other governor—the employment of the few persons who have followed my fortunes at fair salaries—the purchase of whatever stock in trade may be on my hands, and the present of a certain sum in the shares of the company, which would

make my success dependent in a great measure on theirs, and enable me to reward the gentlemen with me. I do not myself see why this opening should not lead to results similar to India itself.
(Signed) "J. Brooke."

Here was the temptation held out by Sir James Brooke, who nevertheless declared that he never was influenced by mercantile speculations. It had also been asserted that Sir James Brooke was not at present, nor at any former period, a merchant. But he had a letter in his possession, written by Sir James Brooke in September 1841, from Sarawak. It was as follows:

"Having returned to Singapore, I bought another vessel, and filled her with merchandise, and returned here once more."

But here was a letter to the Rev. Mr. Johnson:—

"Sarawak, 24th Sept., 1841.—Oh, if the echoes of Exeter Hall could catch this news; if some of her big-mouthed orators could only hear it, how would they ding it into the ears, the 'long ears' of the public; but philanthropy, like other things, is a fashion, and I do not think they care much about Borneo yet."

"Sarawak, 7th Dec., 1841.—The religious community must help us. My great working friend is Templer."

"Sarawak, 16th March, 1842.—You speak of having me made a knight, or even a baronet. I am not sanguine. The former title I am not ambitious of; but here, in this distant corner of the world, it would be very useful, both with natives and Europeans. In England a knight may be elbowed in every street; here you may seek for and not meet with one, and therefore it is desirable. If I am a baronet, I will be Vyner and not Brooke—the old title shall be revived."

"Sarawak, 25th Aug., 1842.—The great advantage to me personally by this reconciliation of the parties in Borneo is, that Muda Hassim and his rascally train will remove to the capital, and we shall be rid of the great impediment to trade; for these Borneo rajahs are the terror of the trader, and, like other great people, run into debt for thousands without hundreds to pay."

Now, he wanted to show that, from first to last, Sir James Brooke had been an impostor; and that self-gain and self-aggrandisement were the motives that swayed him, and not philanthropic feelings for the unfortunative natives. It had been stated by hon. Gentlemen that there never was a desire on the part of Sir James Brooke to speculate as a merchant or trader; but let them hearken to the following letter:—

"Singapore, 15th Jan., 1844.—After nearly three years, then, I could close my accounts at Sarawak without being a loser; and this when I have built houses, boats, &c., and purchased guns and many other things. At the same time, I have not exported above one-third the amount required of antimony ore. I should like much to have our family baronetcy, but I know not that I would solicit it, for a refusal is too painful to be risked. Everything looks well at present, but still I do not allow myself to be sanguine."

That showed that the gentleman had not been unmindful of personal distinction. It had been stated that Mr. Wise pestered Sir James Brooke to get him into partnership with him; but the following letters might explain the matter:—

"J. Brooke to H. Wise.
"Sarawak, Feb. 20, 1845.

"My dear Wise—I have the pleasure to communicate to you an arrangement that I have determined upon regarding my future trading concerns in this country, viz. 1. In consideration of your services during the last two or three years, whereby the Government recognition of my proceedings in Borneo has at length been obtained, I hereby consent to your joint participation with myself in all profits arising from my several transactions here, after the payment of the annual expenses of my establishment (an estimate of which I have already given you) and of Mr. Ruppell's allowances. 2. In order to afford Mr. Ruppell sufficient time to close the present accounts, I propose that this arrangement commences on the 1st of April next. 3. The antimony ore, and all other shipments of produce from hence on my account, will be consigned to your London firm for realisation, and account sales thereof rendered to me direct. 4. The establishment by you of another house at Singapore—the propositions of the Sultan of Samboa—and the continuance or otherwise of my present arrangements with Messrs. Boustead, Schwade, and Co., I leave, with all matters of detail, entirely to yourself and to your London firm for decision. 5. Duration of this agreement our mutual convenience.
(Signed) "J. Brooke.

"Henry Wise, Esq., H.M.S. *Driver*,
Sarawak River."

"Singapore, May 8, 1845.

"What is ultimately to be looked to is the development of the country, and you may rest assured I will not draw back from our arrangement of dividing whatever may turn up. I trust you will not touch the money left in Cameron's hands, as I much wish to leave it entire as a nest egg on which I can fall back.
(Signed) "J. Brooke."

"Cheltenham, January 10, 1848.

"In the second count, granting an opium farm monopoly, a clause should be inserted that if the renters do not fully satisfy the demand for the drug, that I am at liberty to do so myself."

The following correspondence between Sir James Brooke and Mr. Ruppell would further show that Sir James Brooke had been engaged in mercantile speculations:—

"Sarawak, March 17, 1845.

"Mr. George Ruppell, Sarawak.—Dear Sir,—I take this opportunity of acquainting you with the terms upon which I am willing to continue your services as manager and superintendent of all my trading operations in Borneo—namely, a salary of 100 dollars per month, and a commission of 10 per cent upon the annual net profits derived from the transactions referred to. Your undivided attention to my business matters will of course be required; and this arrangement, you must also understand, precludes your having any mercantile dealings whatever on your account. I have instructed Mr. Wise to agree with you upon the mode of keeping the requisite accounts, and I propose the 1st proximo as the date of commencing this agreement. You will correspond regularly with Mr. Wise, and attend to his instructions as to the management of the antimony ore, &c., and also render to him as well as to myself an annual statement, closed to the 31st of March, exhibiting the result of each year's transactions. Six months' notice in writing should be given to prevent inconvenience, if you at any time wish to relinquish your appointment, and some arrangement with reference to your mess will be requisite, which you can regulate. Oblige me with your reply to this communication previous to the departure of Mr. Wise from Sarawak.—I am, dear sir, yours sincerely,

(Signed) "J. Brooke."

"Sarawak, 17th March, 1845.

"James Brooke, Esq., Sarawak.—Dear Sir,—I beg to acknowledge the receipt of your letter of this day's date, communicating the terms upon which you are willing to continue my services as manager and superintendent of all your trading operations in Borneo, and which terms I hereby cordially assent to. With reference to the future management of your trading operations at Sarawak, I have agreed with Mr. Wise that the following system for keeping the annual accounts should be adopted from the 1st proximo, the date upon which the new arrangements commence. The whole of the trading operations to be debited with the following items and accounts, namely—Annual payment to the Sultan; house account, including all salaries; 'Julia's' account (annual disbursements); payments for ore in goods or wages; expenses attending transhipment of antimony ore, &c., at Singapore. On the other hand, the transactions in question are to be credited with the following results, namely—Net proceeds of antimony ore, as rendered by London agents; net proceeds of goods sold, namely—vegetables, tallow, birds' nests, rice, opium, &c.; net proceeds of revenue receipts; and the difference between these amounts is to form the annual profit and loss account, from which my commission of 10 per cent upon the net profits is to be calculated. Assuring you of my continued exertions in the discharge of the duties I have undertaken, to the best of my abilities, I beg to subscribe myself, dear sir, very thankfully and sincerely yours,

(Signed) "George Ruppell."

Now, there were also the accounts current, as kept by Ruppell, which were forwarded regularly: and yet there were gentlemen who would assert in the face of them that Sir James Brooke had never been engaged in trade or speculation. He hoped he had satisfied the House of the truth of his assertions, as also that the difference that occurred between Mr. Wise and Sir James Brooke arose from the duplicity of the latter gentleman. He asserted that the conduct of Sir James Brooke throughout had been mean and mercenary in the highest degree and that his object in attacking neighbouring settlements was that he might render them subservient to Sarawak, for his own objects and purposes. He (Mr. Hume) considered the Government acted wrongly in placing Sir James Brooke in that settlement, in which, by the way, he was not often to be found. Labuan should have a resident governor. But Sir J. Brooke and his lieutenant-governor had been and were at Singapore, not Labuan; and therefore he did not see why that House should vote him 1,500*l.* for filling an office the duties of which he did not perform. Here was another letter with which he would trouble the House:—

"August 22, 1842.—Your design upon Mrs. Fry is most laudable, and I trust she will lead all the religious world. Oxford and Cambridge I have no hopes from, because they are not interested parties, and, as a body, they are bigots and bookworms, who think more of their own squabbles than anything that is going on abroad. Don't forget Sir Fowell Buxton, although Sir F. must be disheartened. You do not say anything about the press, though of course you will not neglect it; and the mercantile body, though never moved by generous or disinterested motives, are alive to their own interests, and, if they see an opening likely to increase trade, they will assuredly pour in and help with money. When the vagabonds are laying out millions in mining speculations in the mountains of South America, cannot we get them to supply our exchequer with some dirty thousands? The press—the press—agitate—agitate—ding-dong, knock it into their ears, and perhaps after a time they will awake, like an alderman after a surfeit, and, with a few grunts, think that a penny may be turned."

In short, he was sorry to say the general character of Sir James Brooke had not been such as to entitle him to the encomiums he had received. When he (Sir J. Brooke) attacked a man who had been his friend for many years, it was impossible for him (Mr. Hume) to pass it over. He thought he had shown that all the allegations brought against Mr. Wise were unfounded, and he would leave the hon. Gentleman the Member for West Surrey to say what he chose in reply.

Mr. AGLIONBY appealed to the House whether this painful discussion ought to continue? They had to view men in their public capacity, and that House was not the place for reading and discussing all the private letters that had passed between old friends ten years ago. He hoped the House would go on with the public business of the night.

Mr. J. STUART thought the hon. and learned Member for Cockermouth rather late in his interference. If the hon. and learned Gentleman thought to stop the discussion at the close of such a speech as had just been made by the hon. Member for Montrose, he could only say the hon. and learned Member must have notions of fair play rather different from the great body of the House. If the hon. and learned Gentleman wanted to have the discussion cut short, he should not have allowed the hon. Member for Montrose to have proceeded so quietly.

Mr. AGLIONBY wished to explain. He did not think he deserved all the ponderous and virtuous indignation of the hon. and learned Member for Newark. He could not have interrupted the hon. Member for Montrose while he was speaking. Besides, private letters on the other side had been introduced before; and to-night the hon. Member for Montrose had been meeting charges with an answer. He wished such a subject had never been introduced at all into that House, and he now trusted that the matter would go no further.

Mr. DRUMMOND said, he very much regretted that the hon. and learned Member for Cockermouth was not in the House during the early part of the speech which they had heard from the hon. Member for Montrose, because he would probably not have made the observations which had just fallen from him—he would probably not have made them, if he had been present when the hon. Member for Montrose declared that he had never heard such a tissue of falsehood as the statements made on behalf of Sir James Brooke. Surely the hon. and learned Gentleman opposite would not have recommended the House to drop the present discussion, if he remembered that throughout the whole of the Session, from its very commencement, the hon. Member for Montrose had been insinuating charges of various kinds, without the least possibility of Sir James Brooke, or any one who thought him injured, being able to meet those charges: that was surely not fair on the part of the hon. Member for Montrose. The first notice of that hon. Gentleman was of a Motion for the production of letters addressed to the noble Lord the Colonial Secretary; and then he came forward with a statement that the marauders on whom Sir James Brooke had inflicted well-merited chastisement were not at the time engaged in a piratical expedition; at another time, that Sir James Brooke had no authority for the steps that he had taken; and, finally, he brought a charge against Sir James Brooke of being a trader, as if there was something unworthy in that character. He might further add, that though the hon. Member for Montrose had read several private letters, and had gone into several details repecting the private character and conduct of Sir James Brooke, yet that he had not arraigned his public conduct; and, notwithstanding the various loose accusations which he made, the hon. Gentleman had preferred no charge that it would be at all possible for any one fairly to grapple with. There were three lines of George Colman which, on the present occasion, might serve well to describe him; they were these:—

> "Although he had a tolerable notion
> Of aiming at progressive motion,
> 'Twasn't direct, but serpentine."

Being able to find no real ground on which to rest a charge against Sir James Brooke, he had recourse to the indirect process of dealing in vague accusations; and when information was demanded, not a word of information was supplied; nothing but the wicked and infamous libel written by Mr. Wise, which had been put into the hands of every Member of that House; they were informed of nothing, except what Mr. Wise told them. The charge of piracy had been established in the clearest manner not only by all travellers, but by the Chamber of Commerce of Manchester, by the testimony also of the merchants of Glasgow, and even of London—by the Sultan of Borneo, by Mr. Rawlings, and by the Singapore merchants; and now would the twenty-nine Gentlemen opposite say that there had been no piracy; would they not allow the parties themselves to declare that they were pirates? As evidence of the prevalence of piracy on those coasts, he might mention the treaties into which the chiefs of those piratical communities entered, and the letters which they wrote, and in which they plainly stated with regard to their former evil acts (acts of piracy) that they would never do them in future; they engaged, in truth, that they would never plunder or pirate again. He would, with the permission of the House, read the following passage from one of the engagements into which they entered:—

> "This is an engagement made by Orang Kaya Pamancha, together with the head men and elders, Dyaks, now inhabiting the country of Padih, with the Rajah Sir James Brooke, who rules the country of Sarawak and its dependencies. Now, the Orang Kaya Pamancha, the head men and elders, Dyaks, swear before God, and God is the witness of the Orang Kaya Pamancha, the head men and elders, Dyaks, that truly, without falsehood or treachery, or any evil courses, but in all sincerity, and with clean heart without spot, with regard to the former evil acts, we will never do them in

> future. Article 1. The Orang Kaya Pamancha, the head men and elders, Dyaks, of Padih, engage in truth that they will never plunder or pirate again hereafter, and that they will never again send out men to plunder and pirate from Padih river."

Then he held in his hand an important letter from one of the oldest merchants in Singapore—the oldest surviving British merchant who had visited that coast. Sixteen years ago, when he visited the coast of Borneo, he witnessed the terror produced by the atrocities of those tribes, which the energy of Sir James Brooke had checked. The entire population of the towns along the coast and at the mouths of the rivers regarded these marauders with the utmost alarm and abhorrence. These were the words in which he wrote:—

> "As one of the oldest, indeed, I believe the oldest, surviving British vistor to the western coasts of Borneo, I feel myself called upon to offer my testimony as to the state of those coasts sixteen years ago. I have a lively recollection, even at this distant date, of the terror in which the coast was kept by the very tribe which you have been instrumental in checking. Scarcely more than a year before my arrival, the entire population of the town of Slaku, a few miles to the south of Sambas, was cut off by a marauding expedition of Dyaks from the north-west coast; and I found all the smaller rivers that I wished to enter so barricaded with wooden piles that I found it difficult to obtain an entrance even for my small boat. I see that in my work on the *Eastern Seas* (page 269) I have alluded to these Dyaks as coming from 'Serassan' instead of 'Sekaran'—an error which I discovered soon after publication, and which I intended to rectify if another edition had been called for before I left England. I feel convinced that the blow you have struck against the disturbers of the peace on the coast of Borneo will do more towards the general pacification of the tribes of the Indian Archipelago than any event that has occurred since the earliest period of our intercourse with this part of the world."

Now if men would go on saying, after such accumulated evidence to the contrary, that these men were not pirates, they were not fit to be believed in any court. The charge against Sir James Brooke originally was, that he was a merchant, and that his mercantile speculations were incompatible with his duties as governor. Now, he had read a score of letters to show that attempts had been made to draw him into mercantile transactions, and twenty more letters to show that Sir James Brooke would have nothing to do with trade, and that he urged these parties to get rid of their mercantile speculations. And he believed there was not one person in the House, when he read those letters, who was not convinced that he had made good these points. It was necessary for him to refute the false assertions made. The hon. Member for Montrose had read a letter from Sir James Brooke; and he (Mr. Drummond) asked him how he got it? Now he would tell the House. He had before stated that Mr. Wise had chosen to falsify Captain Keppel's journal. When Captain Keppel was writing that journal, Sir James Brooke sent him his own journal, in order that he might make it correct. In the box that contained this journal were the private letters of Sir James Brooke to Captain Keppel, which were never intended for the eyes of Mr. Wise. But Mr. Wise got access to them, and detained these letters and took copies of them, and said he would keep them until the opportunity should occur when he might use them to Sir James Brooke's detriment. Why, the hon. Gentleman the Member for Montrose had made himself the common cesspool, into which every slander against Sir James Brooke might be poured. That was the way he had got these documents; and he (Mr. Drummond) said it was a disgrace that they should be so obtained. Sir James Brooke had offered to give up Sarawak to the Government, if they would accept it; and how did this tally with the statement that he wanted to turn this territory to his own advantage? The hon. Member for Montrose talked of Sir James Brooke having got this territory upon a bucaneering expedition. Now, Sir James Brooke left this country, in his yacht, in 1838; he arrived at Borneo in 1839, when a quarrel was waging between the Sultan and some neighbouring State. He was asked to assist the Sultan, who gave him, in return, the land of Sarawak. With regard to one of the letters read by the hon. Member for Montrose, he (Mr. Drummond) was informed the history of it was, that Mr. Wise went out to see Sir James Brooke at Singapore. The night before he sailed he brought Sir James Brooke a letter in his (Mr. Wise's) own handwriting, to which he wished Sir James Brooke to put his signature. That was the letter read by the hon. Member. [Mr. HUME: No, no!] He told the hon. Member it was. It began "My dear Wise," being, as he said, in Mr. Wise's handwriting. [The hon. Member proceeded to read the letter, which related to the terms of the joint partnership between Sir James Brooke and Mr. Wise.] This letter was dated February 20, and on the 8th of May following, Sir James Brooke, suspecting that all was not right, wrote home to put an end to the agreement. The hon. Member for Montrose said that Sir James Brooke was never at the seat of his government. The truth was, however, that during the last twelve months Sir James Brooke had been sixty days in boats, 160 days on board ships and steamers in the tropics, all in the discharge of public duties; and during eighty-nine days he had suffered dangerous illness from fever. Sir James Brooke's last letter was dated from Labuan, and not from Singapore, and was dated the 18th of February, 1850. It was addressed to Captain Rodney Mundy, and was as follows :—

> " I can send you rather a favourable account of myself. I caught a bad ague, watching for the pirate fleet night after night, in hard rain, and it brought me near unto death's door. I felt the springs of life collapsing, the desire of life to be weakened ; but care and a good constitution have enabled me to rally this time, and, with the advantage of Labuan air, I have got comparatively strong—not as strong as a lion, yet stronger than I was some weeks ago. The medical men, however, still urge me to try change to a cooler climate ; and, though with some reluctance, I shall proceed, when an opportunity occurs, to Penang, and perch myself on the hill-top. Labuan, like myself, is rallying. The climate for six months is charming, and for the other six months much the same as Singapore. Fever will disappear before drainage, and is limited to the plain which bounds the harbour. Health insured we shall advance. The Chinese merchants will also move from Boumé in another two months, and we shall then be the centre of trade for the coast ; and I have not the shadow of a doubt the settlement will pay its expenses within a reasonable time. That laggard Eastern Archipelago Company keeps us back. It does nothing itself, and deters others from coming here ; and one of our elements of success is at present our poison and hindrance. We shall do, however. Sarawak, when I heard not long ago, was quite quiet and flourishing as usual."

When Sir James Brooke went to Sarawak it had a population of 800 persons; the population was now 15,000. It exported little or nothing under native rule, and the work done was by slaves. It now exported 2,000 tons, and the work was done by free labour, and not by slaves. There was no situation in the world requiring such a combination of the qualities that made up a great character as for a single individual to go into a savage country and there plant a colony. Sir James Brooke was a willing, fit, and excellent servant, and the whole of the outcry made in that House and in the country came from that one dishonourable source ; and as the activity and vengeance of that man would remain, he warned the Government against allowing similar clamours to influence them in withdrawing their support from this excellent public servant. Ever since he knew the House, and long before he had a seat in it, there were always to be found in it mock patriots—men who were always ready to listen to and to propagate every calumny against a public servant, especially in those countries which were most distant from our own—and before an assembly which was not always disposed to listen to those who sought to point out the discrepancies of these statements.

MR. LUSHINGTON said, it was understood that the Governor of Labuan had made charges against the Lieutenant Governor (Mr. Napier.) He wished to know whether the Colonial Office had come to any decision upon the merits of that dispute ?

MR. HAWES said, the circumstances of the case to which his hon. Friend referred, were still under consideration, and he was unable to communicate any decision upon it. He was very sorry for the delay ; but the cause of it would be perfectly intelligible when he stated that the case was one of considerable extent, and of considerable difficulty.

MR. HUME admitted, that in applying the term "falsehood," of which the hon. Gentleman the Member for West Surrey had complained, he had used an expression which was too strong. The hon. Gentleman, however, had admitted all the facts he had stated ; he had done more, for he added that Mr. Wise was to give Sir James Brooke half the profits upon his concern. As to the existence of pirates, he was content with the authority of Sir Edward Belcher on that point. At the same time, he wished the hon. Gentleman to understand that he had never seen Mr. Wise, or even heard of his name until after he had given his notice for some returns upon the subject, believing that Government could not have consented to such an awful sacrifice of life without authority. The instructions had never been produced under which the attack was made ; and the Government had never ventured to publish the disgraceful proceedings in the *Gazette.* They were ashamed of them.

MR. AGLIONBY said, nothing he had hitherto heard had convinced him that Sir James Brooke had been concerned in a mercantile transaction, or that he had ever been engaged in anything to his detriment as a public officer. From private information, as well as from public documents, he had arrived at the conclusion that Sir James Brooke was a most zealous, energetic, and useful public officer, and also that the parties he had been the means of attacking were pirates and robbers.

Mr. COBDEN thought there ought to be an assurance given to the Committee by the Secretary for the Colonies, that if they voted a salary to Sir James Brooke as Governor of Labuan, he should reside at Labuan. He objected to the vote last year before those events occurred which had complicated this question, and made it a personal one. He objected to the vote of 2,000*l.* a year if Sir James Brooke was not to reside at Labuan. There would be no difference in the Committee on the subject if there was not such a confusion in Members' heads as to the geography of the country. He did not think, for example, that the hon. Gentleman the Member for West Surrey had made any distinction between Sarawak and Labuan. [Mr. H. Drummond: Yes, I have.] Did the hon. Gentleman know that Labuan was 300 miles from Sarawak? Had he a map? [Mr. H. Drummond: Yes, here it is.] Then would the hon. Gentleman lay it upon the table, so that other hon. Members might have an opportunity of seeing it? The distance between the two places being understood, he begged to say that the intervening space was a barbarous country, inhabited by a variety of tribes of the Bornean population. [Mr. H. Drummond: Labuan is an island.] He was aware of that, but it was only seven miles from Borneo. Here, however, the House was called upon to vote a salary to the Governor of Labuan, who was residing three hundred miles away from it, at a place with which there was no means of communication, except by a ship of war, or a hired vessel, and was about as difficult as between London and St. Petersburgh. When they first passed this vote in 1848, they had laid before the House instructions from Earl Grey to Governor Brooke, directing him what to do in founding the territory of Labuan. Labuan belonged to England. Sarawak was not our territory—we had never recognised it, but we voted Sir James Brooke 2,000*l.* a year for governing Labuan while he resided on his own territory of Sarawak. What had been the consequence? The Committee upstairs had obtained some information on the subject. Earl Grey was examined, and Mr. Crawford, the author of the *Indian Archipelago.* The affair of Labuan had fallen into confusion. The books of Mr. Napier, the Lieutenant Governor, were in such a state that Sir James Brooke could make nothing of them. At the present moment Mr. Napier was suspended, and taken to Singapore. All he wanted was, that Sir James Brooke, if he was paid as Governor of Labuan, should reside at Labuan. He believed that he would be a very competent man for the office. It was folly to select the best man they could find, and then let him reside somewhere else, and do similar work for himself. Let the Government give an assurance that if this salary was voted, the governor should not be a sinecurist.

Mr. HAWES said, the hon. Member for the West Riding had asked him to give the House an assurance that Sir James Brooke should in future reside in the island of Labuan. He also understood him to say, that he would not object to the salary given to Sir James Brooke, provided he resided at Labuan; and he likewise understood him to refer to the instructions laid down for his guidance when he took office. Now, he (Mr. Hawes) begged to state that Sir James Brooke had of his own accord reduced his own salary 500*l.* a year, namely from 2,000*l.* to 1,500*l.*; and, with reference to the request of the hon. Member for the West Riding, that he should reside in the island of Labuan, he would refer the House to the very instructions given to Sir James Brooke, and to which the hon. Member himself had drawn the attention of the House. According to those instructions it was never contemplated that Sir James Brooke should reside entirely at Labuan. It was always intended that he should have special regard to his consular office, with a view to the protection and extension of our trade in those parts. [The hon. Gentleman here read a passage from the instructions given to Sir James Brooke to the above effect.] It would, in fact, be injurious to the public interest to confine the residence of Sir James Brooke to the island of Labuan. Mr. Crawford, whose authority had that night been referred to, stated that Labuan was the most convenient place to fix upon for the suppression of the pirates of the Indian Archipelago, the most desperate and active of whom lay close to the northern shore of Borneo, and had of late years been extremely troublesome, both to the English and Dutch trade. Mr. Crawford then added—

> "From Labuan these pirates might certainly be intercepted by armed steamers far more conveniently and cheaply than by any other means that could be pointed out."

[Mr. Cobden: Hear, hear!] What, did the hon. Gentleman cheer the employment of armed steamers against these poor miserable savages, as they had been called? Mr. Crawford was the gentleman who recommended the purchase of the island of Singapore, which had been one of the most important contributions to the support and extension of our trade in that part of the world. He (Mr. Hawes) had shown that Sir James Brooke was only acting upon his instructions when he was engaged in suppressing piracy and protecting our trade, and, therefore, the hon. Gentleman had no right to call upon him to reside constantly at Labuan.

Mr. DRUMMOND had been attacked on account of his geography, but he thought the hon. Member for the West Riding would not have ventured to do so if he had been aware of a document that now lay before him. On a former evening it was said that an English ship had never been attacked by pirates in these waters. A return, however, had been moved for and obtained on the subject, and he had made a mark with ink on every place where English ships had been attacked; and if they placed one point of the compasses on Labuan, and drew a very small circle, it would be found that every one of those places was within the circle. Gentlemen opposite seemed to be perfectly ignorant of the real condition of that part of the world. He held in his hand a classification by Sir James Brooke of the inhabitants living upon the various rivers, and from that statement it appeared that though there were many unwarlike tribes who would be very glad to trade with us, they had been prevented from doing so on account of the piracy that prevailed.

Mr. COBDEN said, he had never objected to the occupation of Labuan. What he contended was, that the pirates were not in the neighbourhood of Sarawak, but of Labuan; consequently the governor, who received 2,000*l.* a year to put down pirates, ought to reside at Labuan. Mr. Crawford had distinctly stated before the Committee, that there were no pirates near Sarawak, and that Sir James Brooke had been putting to death innocent men. He must contend that Sir James Brooke was residing at Sarawak to look after his own business, and not in execution of his duties as Governor of Labuan.

Mr. J. STUART said, it was plain that the hon. Members for the West Riding and Montrose had made a run against Sir James Brooke. [Mr. Hume: No, no!] He was glad to hear it, because, if that had been sooner stated, it might have saved much useless discussion. What, however, was the complaint against Sir James Brooke? That he had put down pirates. The hon. Member for the West Riding said, however, that he (Sir James Brooke) could not put down pirates, because he did not reside at Labuan. But he had effectually put them down, and thereby brought upon himself the enmity of the hon. Gentlemen.

Mr. HUME denied that he had made a run at Sir James Brooke. He had only made a run at the murderers upon a coast where there were no pirates.

Mr. J. STUART: Then the hon. Member accuses Sir James Brooke of committing murder, and says he does not make a run at him.

Sir R. H. INGLIS regretted that any Member of that House should have so far forgot Parliamentary usage as to characterise a person intrusted with high office by the Crown, at a great distance from England, as one who from first to last had acted as an impostor, and then to think it enough, as the hon. Member for Montrose had done, to say that he had made no run at him. A charge had been made against Sir James Brooke that he threatened to sell the territory he had become connected with to the French or the Dutch. It was sufficiently well known that he first offered it to his own Government. But he asked hon. Members to consider whether by such treatment as had been awarded to that gentleman, they were not doing much to cut asunder those ties that bound a gallant and honourable man to his country, and making a poor return for the services of one who had sacrificed the blessings of social life to promote the best interests of his species.

Vote agreed to; also the folowing:—

(4.) 30,000*l.*, Captured Negroes and Liberated Africans.

(5.) 16,350*l.*, Commissions for the Suppression of the Slave Trade.

SUPPLY—CONSULAR ESTABLISHMENTS.

(6.) Motion made, and Question proposed—

"That a sum, not exceeding 155,486*l.*, be granted to Her Majesty, to defray the Charge of the Consular Establishments Abroad, to the 31st day of March, 1851."

Mr. COBDEN said, he wished to call attention to two of these establishments in China, Ningpo and Foo-Chow-Foo, where it appeared there was no trade for British vessels. The half-yearly reports of the consuls there stated that in some periods not a single British vessel had visited the ports. The consular establishments on the coast of China were altogether on an extravagant scale; and these two might well be discontinued, there being no trade. Altogether the consular establishments in China cost 32,096*l.*; they had been formed on the expectation of a very large increase of trade consequent on the opening of the five ports; and we had little reason to congratulate ourselves on the results of that war, discreditable to us as it was in all other respects. Our export trade to China had increased very little; in 1848 it amounted to 1,445,000*l.*; while in 1838, before our aggressive inroad there, it was 1,204,000*l.* This should be a lesson to the commercial community how they encouraged any war, conquest, or aggressive operation, for the purpose of opening up trade. He believed that our trade with China would have been more extensive had it been confined to Canton; and if, instead of the war, we had reduced our duty on tea one-half, our exports to China would have been much larger than they were at present. Our expenses there had been immensely increased, and we ought to take every possible means of reducing them. It was not merely the consuls; there were large military and naval establishments at Hong-Kong, and a ship of war was kept at each of the ports. In fact, the Earl of Auckland had stated before the Select Committee on the Navy Estimates last year, that eight ships of war were required in China, one at each of the ports, and three or four at Hong-Kong. This, with the military establishment at Hong-Kong, and the increased consular establishment, made an increase of our expenditure on the coast of China consequent on that war of something approaching to 200,000*l.* Yet in the face of all that, our exports had hardly increased at all. Seeing that to the two ports of Ningpo and Foo-Chow-Foo, no English ships resorted, he should move that the sums put down for those two consular establishments—2,142*l.* and 2,180*l.*, together 4,322*l.*—be struck out of the vote. It was probable there were other items which ought to be disallowed for the same reason, but at present he would confine his Amendment to those two sums.

Whereupon Motion made, and Question put—

"That a sum, not exceeding 151,164*l.*, be granted to Her Majesty, to defray the Charge of the Consular Establishments Abroad, to the 31st day of March, 1851."

Mr. CAYLEY seconded the Amendment, on the ground that where there were no duties to perform, and where there was no trade, there could be no necessity for consuls.

Lord J. MANNERS wished to ask the hon. Member for the West Riding whether he intended to propose to reduce the salary of Dr. Bowring?

Mr. COBDEN replied that Dr. Bowring was at Canton, not at one of those ports where there was no trade.

Lord J. MANNERS wished, however, distinctly to know whether the hon. Member was prepared to propose to reduce the salary of Dr. Bowring?

Mr. COBDEN said: No. Dr. Bowring was stationed at Canton, the chief seat of our commerce in those parts.

Colonel SIBTHORP said, when he heard the hon. Member for the West Riding propose reductions, he very much doubted his sincerity. The hon. Member cavilled and pretended to attack the Government, while all the time he was the cause of great expenditure. The hon. Member would strain at a gnat, but was perfectly ready to swallow a camel. He (Colonel Sibthorp) did not like such underhand proceedings. The present Motion was a mere flash in the pan—it was blank cartridge, which would only make a noise. The hon. Member was only tickling on the raw, and barking where he was afraid to bite. If the hon. Member was sincere, he would join him in raking the Government fore and aft, for their mean, cunning, and underhand proceedings.

Mr. PLOWDEN wished to observe, that when the East India Company had the monopoly of the trade with China, it endeavoured to obtain tea direct from Foo-Chow-Foo, as that was the nearest port to the black tea-growing countries. They were in hopes of being able to induce the Chinese black tea merchants to send their tea down to Foo-Chow-Foo, to be shipped thence for Canton, and they hoped by this means they should be able to get it unadulterated, and altogether of better quality. The result was, that when the plan was adopted, they obtained their tea by Chinese junks in sixteen days, whereas it took forty-eight to procure it by land carriage, as it had to be carried for a great portion of the distance by men. Hon. Gentlemen must be aware of the difficulties Sir Henry Pottinger had to contend with before he could induce the Chinese Government to give way on the point of opening certain ports to British ships. Great importance was attached at the time by those connected with the trade with China to have Foo-Chow-Foo as one of those ports. At present it unfortunately happened that there was no trade with that port; but he trusted, when restrictions which at present existed there were overcome, that merchants would send ships there, when no doubt a large trade would grow up. He trusted the House would persist in keeping up the consular establishments at these two ports.

VISCOUNT PALMERSTON said, if it happened at any other ports in the world that there were consuls and no trade, he should have no objection to abolish the establishments there. It was very true, as had been said by the hon. Member for the West Riding, that no one attended to transact business at the consular offices in these ports, but they must take into their consideration the very peculiar circumstances connected with our trade with China. As was stated by the hon. Gentleman who just addressed the House, the consular establishments at these ports were formed by treaty, which made it most desirable to pause before any steps were taken to get rid of them. The whole subject, however, had occupied the attention of the Government during the last two years, and, as he had already stated, he had entered into correspondence with Mr. Bonham, and other persons able to form a sound judgement on the subject, as to whether other ports might not be obtained as substitutes for these two. These communications had not led hitherto to any satisfactory result; but in that very month he had received a letter from the Chinese Association at Liverpool, enclosing a very important document from the Chamber of Commerce at Canton, in which it was clearly shown that it would be unwise to abandon at present the consular establishment at Foo-Chow-Foo, as it was probable that before long persons would go there to establish themselves in trade. Sir Henry Pottinger might have taken some other port than Foo Chow-Foo, but he had been strongly urged to accept it by persons best acquainted with trade in China. He might add, that he had sent instructions to Mr. Bonham to see whether such arrangements could not be entered into with the Chinese authorities as would get rid of any restrictions which impeded the trade of that port. In the great number of communications which he had received from gentlemen connected with the trade with China, he found no difference of opinion as to the desirableness of having Foo-Chow-Foo as one of the parts open to the trade of this country. Its proximity to the black-tea country was considered a matter of the greatest importance.

MR. SCOTT agreed with the hon. Member for the West Riding as to this vote. He should have been glad to have seen a reduction in the consular expenditure at Canton and Shanghai; but still there was a large trade carried on with these ports, but there was no trade with Foo-Chow-Foo and Ningpo. Therefore, keeping consuls there was a mere waste of money.

MR. HUME wished to ask the noble Lord the Foreign Secretary whether in these two ports commercial restrictions did not exist which were not in force in the two other China ports? He wished to know whether they could not get these restrictions removed? If they once gave up their relations with these two ports, they would find it very difficult to get them restored.

VISCOUNT PALMERSTON apprehended the restrictions of which this country had reason to complain were imposed some distance in the interior of the country. An additional duty was imposed on the importation of our produce into these districts. Representations had been made to the Chinese Government on this subject, but Mr. Bonham in his last despatch stated he had not then received an answer.

MR. SPOONER thought it was unnecessary to keep up a large establishment at Hong-Kong, as there was very little trade there. The noble Lord had himself admitted that it was useless as a place of trade.

VISCOUNT PALMERSTON said, that the hon. Gentleman had misunderstood him. He had not said that Hong-Kong was useless as a place of trade, but that its chief value was not as a place of trade.

He might mention, however, that the tonnage of the shipping which entered that port last year was 293,000 tons.

Mr. HUME trusted, after the explanation they had heard from the noble Lord, his hon. Friend would not press his Amendment.

Sir W. JOLLIFFE wished to call the attention of the noble Lord to the fact, that the consuls in China received salaries out of proportion to those paid to that class of officers in the other ports of the world. In these two places there was absolutely not the least necessity to retain consuls.

Mr. V. SMITH urged the House to pause before they adopted the proposal of the hon. Member for the West Riding till they got two other ports. The hon. Baronet complained of the amount of the salaries paid to the consuls in China; but they were on the same scale as those paid in other distant places, where the cost of living was high. They must not compare the expense of living at a European port with that of residing in China.

Mr. CAYLEY thought the explanation of the noble Lord was satisfactory, and therefore would withdraw his opposition to the vote.

Sir H. WILLOUGHBY asked what necessity there was to have assistant consuls in those ports where there was nothing to do?

Mr. V. SMITH replied, that there was as much necessity for having assistants in such cases as there was for having principals.

Mr. SPOONER wished to call the attention of the noble Lord the Secretary for Foreign Affairs to the estimate of the sum required for the payment of the consular establishment at Hong-Kong, namely, 4,261*l.* There was a chief superintendent, a secretary and registrar, a first assistant and keeper of records, and a second assistant, third assistant, and fourth assistant, a Chinese secretary, an assistant secretary, and four Chinese writers or linguists. It might be necessary to have a Chinese secretary, but there could not be any necessity for three or four assistants.

Viscount PALMERSTON said, that Hong-Kong had communication with all the five ports that were open, and the chief superintendent obtained regular periodical reports from these five ports, and communicated them to the Foreign Office.

Mr. COBDEN said, that it appeared, from the evidence taken before the Committee of the House of Lords, that our consular arrangements put our merchants to great disadvantage in competition with American and other shipowners. They could not go out of port so easily; and he thought the consular establishment should be reduced.

The Committee divided:—Ayes 34; Noes 166: Majority 132.

Vote agreed to, as were the following:—

(7.) 16,800*l.*, Ministers at Foreign Courts, Extraordinary Expenses.

(8.) 108,768*l.*, Superannuation and Retired Allowances.

(9.) 3,750*l.*, Toulonese and Corsican Emigrants and American Loyalists.

(10.) 2,000*l.*, Vaccine Establishment.

(11.) 1,000*l.*, Refuge for the Destitute.

(12.) 5,346*l.*, Polish Refugees and Distressed Spaniards.

SUPPLY—MISCELLANEOUS ALLOWANCES —REGIUM DONUM.

(13.) Motion made, and Question proposed—

> "That a sum, not exceeding 6,318*l.* be granted to Her Majesty, to pay, to the 31st day of March, 1851, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenue, &c., for which no permanent provision has been made by Parliament."

Mr. LUSHINGTON proposed, as an Amendment, that this vote should be reduced by the sum of 1,695*l.*, being the amount of the grant to Protestant Dissenting Ministers; and in doing so, he would take the liberty of reminding the Committee that he brought forward a Motion similar to the present in the year 1848. He adopted that course in compliance with the urgent applications of most, if not all, of the principal dissenting bodies, who through the channel of petitions conveyed the remonstrances against this grant of 4,000 or 5,000 ministers, representing above 1,000,000 persons. Again, last year he made objection to the grant; but the Dissenters, disgusted at the manner in which their representations had been disregarded, abstained from petitioning on that occasion; and, mistaking their dissatisfaction for indifference, he (Dr. Lushington) did not press the case on the part of the Dissenters with the energy which they had not ceased to feel, and which they continued to entertain in all its original intenseness. In fact, he declined to press the matter to a division. His friends around him, however, thought it expedient to take a division; and the majority of 32 in 1848 was reduced to 19. Now, he would assure the Committee that the repugnance of the great mass of Dissenters to this grant existed in undiminished strength, and they implored the House of Commons not to force upon their body a donation which, from its eleemosynary character, humiliates and degrades them, inflicting upon the whole Congregational Dissenters an annual insult, and violating their religious prepossessions. The circumstances of the Dissenters had greatly changed since this grant was first made. It was originally given by George I. from the Privy purse to the widows of poor Dissenting ministers, the amount being 500*l.* It was in time increased to the present sum of 1,695*l.*; and on the transfer of the hereditary revenues to the State, this sum became the subject of an annual vote from the Consolidated Fund. In those days the Dissenters were few and poor, and possessed no status in society. They were now numerous, wealthy, and influential; and they employed their wealth in the most noble manner. They had expended it in the erection of places of worship, colleges, and schools; in the dissemination of education, and in the support of their ministers and of missions. They had constructed fifteen years ago 265 chapels in the metropolis, and had covered the country with 8,000 places of worship. They declined State aid; and any infringement on this principle was so painful and humiliating to them, that one of their leading Committees had designated the grant of the Regium Donum as affixing on them "the broad seal of infamy." It was contrary to their principles to make any stipulation for a direct substitute for this grant, which they pronounced it tyranny to force upon them in violation of their religious scruples, and which is secretly distributed among individuals whom they cannot recognise as associates. The dole is cast to those persons in secret as mendicants, and in such miserable proportions as to reduce the recipients to the level of workhouse paupers. A return was furnished to the House in 1847, which showed that in three years the sum of 5,085*l.* was distributed among 1,070 ministers, or so-called ministers, making an average of about 22*s.* per head. What would the Church of England Hierarchy say if the Dissenters were empowered to force upon 300 clergymen annually a sum of 22*s.* each? What right had the noble Lord to incumber the Dissenters with his offensive charity? Why cast a stigma on the whole body by giving State aid to a few mendicants who are ashamed to acknowledge the obligation, and their departure from the principles of their brethren? Petitions had been presented against the grant, but none in favour, because the recipients blush to avow their deviation from the general refusal to receive State assistance. The hon. Gentleman said he was satisfied that the Dissenters would make up the sum if the grant were withdrawn, though they declined any express stipulation. His hon. Friend the Member for Stockport had engaged for the money being forthcoming. The time was now arrived for the cessation of this annual offence to a most worthy portion of the community, and he accordingly begged leave to move the Amendment which was in the Chairman's hands.

Whereupon Motion made, and Question put—

> "That a sum, not exceeding 4,623*l.* be granted to Her Majesty, to pay, to the 31st day of March, 1851, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenue, &c., for which no permanent provision has been made by Parliament."

MR. KERSHAW seconded the Amendment. He was very anxious that this grant should be cut off. It was so singular in its character, and was so opposed to the feelings of Dissenters both in England and Scotland, that he had hoped that the Government would consent to withdraw it. The Dissenters regarded it as at once inconsistent with their principles, and derogatory to their character. The boards connected with the several denominations had expressed their disapprobation of it. It was distributed amongst the Presbyterians, the Independents, and the Baptists, and neither of these bodies was in a position to require such assistance. [*Loud cries of* "Divide!" "Oh, oh!"] He had the honour to represent a much larger constituency than many hon. Gentlemen who cried "Oh!" and therefore considered that he had a right to address the Committee.

The CHANCELLOR OF THE EXCHEQUER said, that however much the Gentleman who moved the Amendment represented the opinion of certain sects of the Dissenters, the evidence of Dr. Rees was opposed to their views, inasmuch as Dr. Rees affirmed that the distribution of the Regium Donum was attended with great satisfaction, and that the withholding of it would give serious ground of offence to the Dissenters.

MR. BRIGHT thought that, though the question had been discussed on several occasions, the House was not aware of the nature of the grant. The statement made by the right hon. Gentleman the Chancellor of the Exchequer was calculated to mislead the Committee with regard to it. The Chancellor of the Exchequer had quoted the evidence of Dr. Rees to prove that it gave great satisfaction. Now, it was probable that not a single congregation was aware of the fact that its minister was a recipient of the fund, All congregations repudiated the grant; and if it were known by any that its minister was a recipient, it would become a question between the minister and the congregation, and a stop would be put to it. It was, in fact, a sort of secret service money; as, at the Treasury, nothing was known of the recipients. At the Treasury it was handed to three individuals of average respectability to distribute; but no names were returned as those of the recipients, and consequently nothing was known of the necessities of those for whom that House voted money. His great objection to the grant was this—he thought it calculated to cause duplicity amongst the Dissenting clergymen, which was most dangerous to their characters as ministers. The amount was *5l.*, and there could be no doubt but that the Dissenting congregations, who provided salaries varying from *5l.* to *100l.* a year for their ministers, could find the other *5l.* if they thought it necessary, or that their ministers were starving. But it was asked, were they ready to provide a substitute? How could they provide a substitute when they did not know who received the money? They knew nothing about it, and, therefore, they were totally powerless to get rid of this result. Hon. Gentlemen opposite had now an opportunity to be economical, and in a way which would do no harm to anybody. They could get rid of near *1,700l.* a year with the consent of the Member for Westminster and the hon. Member for Stockport, himself a leading member of the Dissenting body. He (Mr. Bright) could also give his opinion, having been in intimate communication with the Dissenters in various parts of the kingdom, while the congregational unions, in fact, the various representatives of the Dissenters, were all in favour of the abolition of the grant. If all the Dissenters in the country could appear at the bar, he did not think they could have more conclusive testimony on the subject. He, therefore, asked the noble Lord not to press this grant at a time like this, when economy was a public object, and all the parties concerned were anxious to get rid of the money. There was nobody but Dr. Rees who asked them to continue it; and, therefore, on behalf of the country, and the House, he begged the noble Lord to consent that the vote should be given up, and that, if not, the House should express an opinion to which the noble Lord and his Colleagues must bow.

LORD J. RUSSELL did not believe the House could refuse this vote without, as was represented, doing injury to anybody, because it must be recollected that at least 300 Dissenting ministers received assistance in very small sums from the grant; and it was stated by those who distributed the money, that it was given to persons who, from their pecuniary circumstances, were in great need of such assistance. It had been said, now and on former occasions, that it was entirely against the principles of Dissenters to receive this money; but if that were the case, it seemed very extraordinary that from 1723 to 1850 this grant had been made every year. It appeared to him that this fact contradicted the assumption of hon. Gentlemen, and that it could not be contrary to the principles of Dissenters to receive such assistance. He could, however, very well understand that those who did not wish to see any ministers of religion receiving money from the public funds or from the State might feel that this grant made against their argument, and might, therefore, wish that it should be discontinued; but he could not consent, for the sake of giving some additional force to that argument, to deprive 300 Protestant Dissenting ministers of the sums they had hitherto been receiving. It appeared to him that this was a matter of charity, and as a matter of charity only he would ask the Committee to assent to the vote. The hon. Member for Manchester had said that this was a species of secret service money. He (Lord J. Russell) would admit that if this were a sum for which the Dissenting ministers applied directly to the Treasury, and the Treasury chose the persons to whom the grant should be made, it might have the appearance of giving the Treasury some influence over those who received it. But the parties who distributed the grant were Dr. Rees and eight other ministers, who represented the Presbyterian, Independent, and Baptist denominations; and the Treasury exercised no sort of supervision over the persons who disposed of the money. The distribution of the grant was left entirely to those nine ministers of the three denominations; and he could not conceive that those respectable gentlemen would consent to distribute to others money which they knew it was contrary to their principles to receive.

MR. WYLD regretted that the noble Lord should have treated this grant as a matter of charity towards Dissenters. He could assure the noble Lord that the Dissenters of England required charity neither from that House nor from any other body. He would remind the Committee that the most numerous body of Dissenters, the Wesleyans, were not participants in this grant.

MR. BRIGHT wished to ask the noble Lord whether he would lay on the table the names of the recipients of this grant; or whether he would consent not to press the vote this year, and it would then be seen whether the 300 ministers who were said to participate in the grant would petition for its renewal?

LORD J. RUSSELL could not comply with the hon. Gentleman's request. If he did so the names of the recipients would be held up to odium all over the kingdom.

MR. REYNOLDS thought the noble Lord ought to adopt the suggestions of the hon. Member for Manchester. He was surprised that the Government should force such a grant upon people who were unwilling to receive it, especially as they proposed to reduce by a considerable amount the grants to the charitable hospitals of Dublin. As the representative of those who were anxious to support the Dublin hospitals, he could only say that he would willingly accept the 1,700*l.* which it appeared from the statements of the hon. Member for Manchester and other hon. Gentlemen the Dissenters were so unwilling to receive.

The Committee divided:—Ayes 72; Noes 147: Majority 75.

Vote agreed to.

The House resumed.

The Committee report progress.

ECCLESIASTICAL COMMISSION BILL.

Order for Third Reading read.

LORD J. RUSSELL moved, that this Bill be read a Third Time.

SIR H. WILLOUGHBY said, he observed that it was provided by the Bill that one of the Commissioners should have a seat in the House of Commons. He should like to hear some reason assigned for that arrangement. It appeared to him to be a dangerous precedent. Again, he should wish to know, whether the Estates Committee was to have the appointment of its own counsel? whether, in point of fact, it was to name its own secretary? He also observed that the Commissioners were to lay down general rules as to the course the Estates Committee was to pursue—would the noble Lord define what was meant by general rules, and whether the Ecclesiastical Commissioners, as a general body, were to control the Estates Committee?

SIR G. GREY said, that with respect to one of the Commissioners sitting in Parliament, it was thought that as the Archbishop of Canterbury, being one of the *ex-officio* Commissioners, had a seat in Parliament, it would be proper that one of the Commissioners appointed by the Crown should have the same privilege. As to the other points, it was intended that the board should have the power of defining general rules, but should not interfere in particular cases. The board was also to have the power of appointing a secretary, as the last Commission had.

MR. GOULBURN said, that, not having had the opportunity of taking part in the discussion on this Bill, he should, had it been an earlier hour, have made some observations upon it; but as it was, he should leave it to the other House to deal as it thought fit with the Amendments which had been introduced into it since it came down, and which had so much changed its character.

MR. J. A. SMITH asked whether the Government intended that the Ecclesiastical Commissioners should deal with the property of the Church in accordance with the recommendations recently issued?

SIR G. GREY said, that no doubt the Ecclesiastical Commissioners would deal justly by the property placed in their charge.

MR. AGLIONBY complained that the lessees had hitherto been sacrificed, and he recommended that the Bill should be postponed.

Bill read 3°.

MR. SPEAKER then called on Mr. Hume, who had given notice of a clause.

SIR B. HALL said, that as the hon. Member for Montrose had left the House, not supposing the Bill would be brought on after one o'clock, he should move the adjournment of the debate. Besides, he intended to propose a clause which he knew would be objected to by the right hon. Gentleman opposite, and would lead to much discussion. It was a clause to put prebendaries and canons on the same footing with regard to livings as was done by deans in the present Bill.

Lord J. RUSSELL said, that he had stated early in the evening that he would proceed with the Bill to-night, and the hon. Member for Montrose must have left the House knowing it would come on. As to the clause to be proposed by the hon. Baronet, the principle had been much discussed already, and no notice had been given of his intention to bring it on, and he hoped he would not press it.

Sir B. HALL then moved a clause to the effect that prebendaries and canons should not be allowed to hold livings beyond three miles from the cathedral town in which their prebends or canonries were situate, nor above the value of 500*l.* a year. His desire, he said, was that the canons should be placed on the same footing as the deans.

Lord J. RUSSELL said, this clause was discussed in the Committee, and there was a great deal of argument upon it. It seemed to him the case was quite different from that of the dean. The dean was required to reside eight months in the cathedral city, and he could therefore reside only four months in his parish; whereas the canon was only required to reside three months in the cathedral city, and he could reside at his parish nine months. The case was, therefore, entirely different. He did not see any evil, but, on the contrary, much good in a rural clergyman receiving a canonry; and he believed the clause proposed by the hon. Baronet would do serious harm.

Clause withdrawn.

On Clause 8,

Mr. J. E. DENISON moved an Amendment, giving to the Estates Committee power to appoint their own surveyor.

Amendment proposed, in page 4, line 37, after the word "expedient," to insert the words "and to employ such Surveyors and Actuaries as may seem fit to them."

Sir G. GREY said, he did not think the Amendment of much importance. If a representation were made to the Estates Committee that any officer was inefficient, they would make a change.

Sir B. HALL said, then if the right hon. Gentleman did not attach much importance to the question, he might take the common-sense view of it, which was that those who had the management of the estates should have the appointment of their own servants.

Mr. GOULBURN could speak from personal knowledge of the respectability and ability of Messrs. Dalton; and the same might be said of Messrs. Smith and Pickering.

Question put, "That those words be there inserted."

The House divided:—Ayes 73; Noes 142: Majority 69.

Amendments made; Bill passed, with Amendments.

ATTORNEYS' CERTIFICATE BILL.

Lord R. GROSVENOR moved that the Bill be read a Third Time on Thursday.

Motion made, and Question proposed, "That the Bill be read a Third Time upon Thursday next."

The CHANCELLOR of the EXCHEQUER moved, as an Amendment, that the Bill be read a third time this day three months.

Amendment proposed, "To leave out the words 'Thursday next,' and insert the words 'this day three months,' instead thereof."

Question put, "That the words 'Thursday next' stand part of the Question."

The House divided:—Ayes 88; Noes 112: Majority 24.

The Amendment thus became a substantive Motion; upon which an Amendment was moved to the effect that the Bill be read a third time on Friday.

Question proposed, "That the words 'this day three months' be there inserted."

Amendment proposed, "To leave out the words 'this day three months,' and insert the words 'Friday next,' instead thereof."

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 113; Noes 84: Majority 29.

Question, "That the words 'this day three months' be there inserted," put, and agreed to.

Bill put off for three months.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, July 23, 1850.

MINUTES.] PUBLIC BILL.—1ª Militia Pay.
2ª Stock in Trade.
3ª Population; Population (Ireland); Linen, &c., Manufactures (Ireland); Incorporation of Boroughs Confirmation (No. 2); Loan Societies; Ecclesiastical Jurisdiction; Militia Ballots Suspension.

THE QUEEN'S MESSAGE—H. R. H. THE DUKE OF CAMBRIDGE, AND THE PRINCESS MARY OF CAMBRIDGE.

The MARQUESS of LANSDOWNE moved to consider Her Majesty's most gracious Message of yesterday, respecting a provision for His Royal Highness the Duke of Cambridge, and Her Royal Highness the Princess Mary of Cambridge.

The Message having been read by the clerk at the table,

The MARQUESS of LANSDOWNE said, that their Lordships were aware that there was a Bill before the other House of Parliament to give 6,000*l.* a year to the Duchess of Cambridge, 12,000*l.* a year to the Duke of Cambridge, and 3,000*l.* a year to the Princess Mary of Cambridge. It was hardly necessary that he should call their Lordships' attention to the circumstances of the case. He believed that there could be but one feeling among their Lordships on the subject. He should therefore move, "That an humble Address be presented to Her Majesty, to return Her Majesty the thanks of the House for Her Majesty's most gracious Message, and to assure Her Majesty that the House would avail itself of every opportunity to manifest its dutiful attachment to Her Majesty's person, and its readiness to concur in all measures necessary to carry into effect the object mentioned in Her Majesty's Message."

LORD BROUGHAM could not suffer this Motion to pass without giving—as he had always done both in that House and in the House of Commons, whenever any money vote was proposed for any branch of the illustrious family on the Throne—expression to his opinion that so long as a certain impolitic and unchristian law remained on the Statute-book, which restrained members of the Royal Family from marrying whom they pleased, it was but an act of strict justice that Parliament should provide for them. But for the existence of that law, the younger branches of that illustrious house would undoubtedly marry into the wealthest families in the kingdom; and it was but reasonable that Parliament, which forced them to contract marriages with foreigners, should make a competent provision.

Motion agreed to, *Nemine Dissentiente;* the said Address to be presented to Her Majesty by the Lords with white staves.

POPULATION BILL.

The EARL of MALMESBURY said, that before the Order of the Day for the third reading of this Bill was read, he would suggest that some improvements should be made in the forms of the returns by which the census was taken. He particularly dwelt on the erroneous results which were deduced from dividing the population returns into two such classifications as the agricultural population and the commercial, trading, and manufacturing population. For instance, Dorchester, and towns of that size and description, were classed among the trading and manufacturing, when they ought rather to be classed among the agricultural population. He wished to revert to the old form, and to class the inhabitants of such towns under the heads to which they respectively belonged. These returns were of great importance as statistical documents, and it was necessary that they should be correct, as they had been frequently quoted in defence of the policy recently adopted on all great questions affecting agriculture.

LORD MONTEAGLE called attention to a circumstance of some importance as regarded the Irish Population Bill. Formerly the Irish census was taken in the months of July and August, when a large number of the agricultural labourers of Ireland were engaged in reaping the harvests of England. Now, it was to be taken in the month of March—a period when all those labourers were in their own cabins in Ireland. This would give an apparent, but not a real, increase of 200,000 to the population of Ireland. He hoped that some measure would be adopted for the correction of this error.

LORD STANLEY thought that the manner in which the population returns were drawn up was calculated to mislead the public with respect to the relative proportion of the manufacturing and agricultural interests. In the country towns and villages every tradesman and artisan was dependent on the agricultural interest, and yet in the returns those classes were ranged under the head of manufacturers.

EARL GREY was of opinion that it would be unwise to alter the present mode of making the population returns, unless the change were a decided improvement.

EARL GRANVILLE was understood to say that Lord Monteagle's suggestion should be attended to.

Bill was read 3^a, with an Amendment, and passed, as was also the Population (Ireland) Bill.

MILITIA BALLOTS SUSPENSION BILL.

EARL GRANVILLE having moved that this Bill be read 3^a,

The EARL of ELLENBOROUGH said, that, although he did not intend to propose any amendment with a view to the rejection of the Bill, he still adhered to the opinion which on more than one occasion he had expressed in their Lordships' House and elsewhere, that instead of bringing forward Session after Session these temporary measures for the suspension of the militia ballots, it would be very much better to repeal the original Act altogether, and entirely to abrogate the militia system. This was now the twentieth or twenty-first time their Lordships had been called on to support Bills similar to the present. Owing to the changed state of society, and to the great alterations which had been introduced of late years into the mode of warfare, the militia was no longer a force to which it would be safe, or indeed at all practicable, for them to look for defence in case of this country being attacked by some other Power. At any period, and under any circumstances, it would be at best but a questionable protection to the country, for it was a force which could not be brought into active service until twelve months after the period when war had broken out. The principles of foreign policy which had been adopted by England of late years rendered it now more than ever imperative that the country, instead of looking for protection in the hour of need to such a shadow of an army as the militia, should have at its command a military force of enormous numerical power and in the highest state of discipline. If they were to continue to pursue an oppressive policy towards other countries, and if they were to go on alienating from themselves the good wishes and kind offices of the great armed Powers of Europe, they ought to be prepared for that war which the hostilities they were provoking might at any moment bring upon them. Some principles of foreign policy which had been lately announced as if they were novel, were, in fact, trite and commonplace. It was said, an Englishman was entitled to protection wherever he might go. No doubt, British subjects residing in foreign lands had a right to expect that they should be protected from injury and indignity so long as they conducted themselves with propriety, and submitted to the laws and customs of the country in which they were sojourning. That was a doctrine which had not the merit of novelty, for it had been propounded a thousand times, and every one was familiar with it. The enthusiastic cheers, however, with which the enunciation of this trite principle in another place had been received on a recent occasion, and the classical allusion to the resemblance which ought to exist between the character of a British subject and that of a Roman citizen, would seem to give the colour of truth to the conjecture that much more than met the ear was intended in the use of these plain and commonplace words. Doubtless it would be a very grand and enviable prerogative for an Englishman to enjoy—that of being permitted to stalk over the Continent with an air of insolent assumption, as though he belonged to a class of beings superior to those with whom he was mingling, and had a right to be released from the tedious obligation of paying deference to the laws, habits, and customs of the country in which he was sojourning. No doubt it would be a very fine thing for an Englishman to expect that, wander wherever he might, he was to be at liberty to do whatever he pleased, and that in all his transactions he was to be protected by the strong arm of his native country. But there was another aspect in which the question was to be viewed. It should not be forgotten that, if the British citizen was to have the immunities of the Roman citizen, he would have to submit to the conditions on which alone the latter was permitted to enjoy those immunities. There must be always at home an army ready and able to protect our citizens in the enforcement of the rights to which they might think fit to lay claim abroad. But it was absurd to think of comparing the Government of Rome with that of England. Ancient Rome was essentially a military Power—arms were its chief study—war was its chief object—conquest was its desire, and war was to be the means by which conquest was to be continually achieved. There was nothing for which the Government of Rome more anxiously longed than occasions of war, for the ambition of the people was military, and the population were soldiery in habits and sympathies. But our position was quite different. Our system was adapted to peaceful, not warlike practices. Our desire was not to make war, but to make money. All the professions, and, indeed, all the provisions of our Government had a tendency to that grand object. It was foreign to the wishes and to the tastes of Englishmen that England should constitute herself the general enemy of mankind, and that, having intruded her subjects into foreign countries, she should enforce any unreasonable demands they might choose to make on those countries, and protect them at the sword's point in the pursuit of any fantastic and irrational courses which it might suit their caprice to adopt. At all events, if British subjects were to do such things abroad, and if the national character of England was to be identified with these outrageous proceedings, it was a sheer delusion to suppose that they would be respected as the Roman citizen would have been respected, who acted in a similar spirit, unless indeed there was a military force at home ready and competent to afford to the British citizen the same protection, and to insure him the same immunity that the Roman citizen had at all times at his command. Such practices as had been sanctioned by our foreign policy of late years, might be attempted with some security in cases where both nations were equally strong, or in cases where they were equally weak; but it was madness for a country to offer indignity and menace aggression which took no means for her own protection, and was resolved to remain defenceless. Circumstanced as England now was, nothing could be more absurd, nothing more irrational than that she should pursue such a course. Surely it was not for her, situated as she now was, to offer indignities to armed States which were desirous of war, and only too willing to wreak upon her that vengeance which in some cases had been treasured up for centuries. Surely it would be a more prudent, as it was at all times a more dignified, course to abstain from using big words, under the idea that we might do so with impunity. It had also been laid down as an axiom that it was the duty of the British Government to sympathise with other Governments co-operating with their subjects in a search after rational liberty; but if we waited until the Governments of the Continent co-operated with their subjects in the pursuit of liberty we should not be called upon for the exhibition of our sympathy at any very early period. Did our Government, however, wait until the King of Naples co-operated with his Sicilian subjects in the attempt to gain what were called liberal institutions before we expressed our sympathy for one of the parties? Or did we wait for the concurrence of the Austrian Government with its Italian subjects before our Government avowed its sympathy for the latter? This vaunted sympathy assumed, then, a somewhat questionable and dangerous character. It was not long since some "sympathisers" invaded our North American colonies. Let us beware lest we obtain on the continent of Europe the same unenviable notoriety which attended the American sympathisers. If for the sake of economy we made up our mind to remain weak at home, we must for the sake of security be content not to give offence abroad. It was not difficult to understand that a noble mind might indulge in the aspiration of elevating the position of a British citizen on the Continent, and of extending the sympathy of England to nations desirous of placing themselves on the same level with ourselves in the enjoyment of liberal institutions; but there were Powers on the Continent which would not permit us to carry out such views unless we were prepared to do so at the cost of war. It might be all very well for the Government to say and do as it had done, if we had forty sail of the line and 100,000 soldiers at our disposal, as well as 10,000,000*l.* in the Treasury; but it was extremely dangerous to take such a line of conduct when we had not at our disposal a fleet larger than that possessed by France, and not equal to one-third of that which Russia could in a few weeks bring, filled with troops, to the mouth of the Thames—when we had not at our disposal one corporal's guard, nor a single florin in our Treasury. If, in the present temper of the House of Commons and the country, the Government was unable to maintain the national defences in a state of efficiency, it ought, at least, to abstain from giving offence to nations with arms in their hands, and ready and desirous to use them to our injury.

EARL GREY said, that the noble Earl who had just sat down began by stating that as this Bill had already been passed for some twenty or one-and-twenty years in succession, the time had arrived when the power of balloting for the militia ought to be abolished, instead of suspended from year to year. The noble Earl then went on to state that this country was in a deplorable state of weakness, in comparison with other nations. Now, he must say that, on neither of these points did he (Earl Grey) agree with the noble Earl. With respect to the militia ballot, he was of opinion that, in the existing state of society, the great probability was that, if they were ever to be engaged in a war, it would be necessary for them to revise the laws relating to the militia. He thought it prudent, therefore, that an annual Suspension Bill should be passed on that subject. With respect to their state of preparation in case of any sudden outbreak of war, he could not admit that the position of this country relatively to others had suffered depreciation recently; on the contrary, he believed that the position of the country had changed, not for the worse, but the better in respect to preparedness for a sudden outbreak of war. Let him remind the noble Earl that, in the first place, of late years, very large sums had been laid out in works calculated to strengthen the coast defences of the country, whilst harbours of refuge were in progress of formation, as well for the protection of our navigation and commerce, as with reference to any war or invasion that might occur. More than that, there was also at their disposal a force—an entirely new force, and one that had been created within a very few years, the enrolled pensioners, amounting, he believed, to about 15,000 men, who were quite capable of undertaking the defence of their coasts and garrisons as well at home as in the colonies, and who thereby made disposable an equal number of the regular army. Again, as regarded preparations for war, it should be recollected that another great change had taken place within the last few years—he referred to the increase in the artillery force in this country. This, as their Lordships were aware, was a kind of force which it took a longer time to create than was required to organise any other portion of their military service, and which, for that reason, it was least possible to obtain on a sudden emergency; and whilst considerable reductions in the Army itself had taken place during the present year, yet that reduction had not extended to the artillery, which was, on the contrary, some 2,000 men stronger than it was four years ago. The noble Earl had alluded to the military power of Continental States; but there was not a more fallacious mode of estimating the real strength of a country than to look merely at the force which it had actually on foot. If we wished to estimate the strength of this country, we must look to the vast dormant power in the spirit of the population, which would speedily be available if the country should ever be involved in serious danger; and, above all, it was necessary to look to the state of our finances. It was his conviction that, looking to the state of our finances—to the rapid progress of wealth and industry owing to the state of the finances, this country was advancing, in real and substantial power, more rapidly than its rivals. He was not a little surprised at hearing the noble Earl assert that we had not a disposable florin in our treasury, because he had recently seen a notification in the *Gazette* that, notwithstanding the large reduction of taxation which had taken place, there was a not inconsiderable amount of surplus applicable to the reduction of the debt in the last quarter. He believed that if the country were called upon to make a great effort, and in these days it must be a great pecuniary effort, no other State in the world could so easily raise a great sum of money at a moment's notice. Much to his (Earl Grey's) surprise, too, the noble Earl had proceeded to show that it was peculiarly incumbent upon them to have a large force at their disposal, inasmuch as it had been announced that they were going to adopt a new foreign policy. He could only say, however, that he had not heard of any such announcement. On the contrary, what he had heard argued on that (the Government) side of the House and elsewhere was, that Her Majesty's present advisers had only resolutely maintained that which had for a very long time been the policy of this country. The noble Earl also referred to a quotation which had been made elsewhere as to the policy of Rome, and said that it implied we were to follow the maxims of Rome as to universal commerce. He certainly did not so understand it. He believed that Rome, when it was an inconsiderable Italian State, had adopted that policy; but he believed that, at all events since the time of Cromwell, England had acted on the same policy; and he was not aware it had been stated lately, on the part of the Government, that they were disposed to do anything but to act on that long-recognised and established policy of this country. For his own part, he earnestly hoped and trusted that, notwithstanding the opinion of the noble Earl as to the weakness of the country, we were amply strong enough still to maintain that policy which had been maintained since the time of Cromwell; and that every Englishman, in whatever part of the world he should be, would find the shield of this country and its reputation over his head. The noble Earl had also said that there was something strange in the statement that sympathy was to be shown for countries engaged in contests for their freedom, and had remarked that they ought to remember that those parties who had invaded one of their most important colonies a few years ago adopted the name of "sympathisers." For his own part, however, he trusted that whilst Englishmen retained the name of Englishmen, they would continue to maintain a feeling of sympathy for people that were struggling for their liberties in other countries. He would only repeat, that while there had been great reductions in the naval and military establishments of the country, she was still placed on such a footing that no other Powers, great or small, could insult her honour with impunity.

After a few words from the Earl of GLENGALL,

On Question, Resolved in the *Affirmative;* Bill read 3ª accordingly, and passed.

STOCK IN TRADE BILL.

EARL GRANVILLE moved that this Bill be read a Second Time.

LORD STANLEY, expressing himself as sensible of the difficulties with which this subject was attended, asked the Government whether they would be prepared, in the next Session of Parliament, to take any steps for remedying the acknowledged injustice which was involved, as regarded the interests of real property, in the exemptions annually provided for under this Bill?

The MARQUESS of LANSDOWNE was understood to say that the Government would be ready to listen to any plan that might be proposed for a more equitable adjustment of the burdens to which the noble Lord referred, and with reference to which certain exemptions were made under the provisions of this annual measure. The Government could have no other desire than to see the local taxation of the country as fairly and equally distributed over its different interests as circumstances would admit of.

Bill read 2ª.

THE ALIEN ACT.

The MARQUESS of LANSDOWNE said, with reference to a question which had been put to him a few evenings ago by the noble Lord (Lord Stanley), as to the intentions of the Government with respect to the Act on this subject, which was about to expire, the Government felt that in the state in which the country fortunately was at present, there was no ground for prolonging the existence of that Act. It was intended only for a temporary Act; and, though he was far from saying that circumstances might not hereafter recur to render it expedient to renew the Act, still, under the present circumstances of the country, there was nothing to require its renewal; and he trusted that state of things would continue.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, July 23, 1850.

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

The House went into Committee on the above Bill; Mr. Bernal in the chair.

Clauses 1 to 7 inclusive were agreed to with Amendments.

Clause 8.

MR. G. A. HAMILTON moved that the latter part of the clause be struck out, and that the provisions substituted be, that the Commissioners should prepare a plan for the division of each union in Ireland into so many dispensary districts, so that no electoral division formed under the poor-law shall be divided. In such scheme the Commissioners to state the number and salaries of the officers to be appointed to each dispensary district, and the number of persons who shall be members of the committee of management of such district, and that the Commissioners should transmit copy thereof to the board of guardians of each union affected, and fix a time not sooner than a month for the revision of the same. That, after the expiration of the month, after considering any suggestions for alteration in the scheme made by any board of guardians, the Commissioners shall, under seal, declare such district and the numbers and salaries of the officers, and the number of the committee of management, and shall send the declaration to the board of guardians. That the guardians may appeal against the order within one month to the Lord Lieutenant in Council, who shall finally determine the same. That, from and after a certain day, to be named in such order, if not appealed against, or, if appealed against, in the order of the Lord Lieutenant, the cost of medical relief within the dispensary district, with all salaries and charges, shall be charged on the poor-rates of the electoral division, according to its net annual value according to the poor-law valuation for the time. That it also should be lawful for the Commissioners, at any time, to alter such district, the amount of salaries, and the number of the officers and committee of management; subject, nevertheless, to the provisions and appeal before contained in the Bill with reference to the first order. He considered that if such power had been given in the poor-law, it would have obviated the necessity for many well-grounded complaints that had been made. He objected to the powers conferred by the Bill in its present shape upon the central board over local dispensaries and medical charities. He objected also to the principle of centralisation, which he thought had characterised the legislation of the House towards Ireland for many years past; and therefore he suggested a plan which would, he believed, reconcile the interest and control of the local authorities with the power with which it was necessary to invest the central board. His firm opinion was, that the local authorities ought to be consulted, and that their views and opinions should have due weight with the central power; he should therefore move that the latter part of the clause be struck out, and that the above provision be substituted.

Amendment proposed—

> "Page 3, line 6, after the word 'appointment,' to insert the words 'prepare a scheme or plan for the division of each Union or of adjoining Unions in Ireland into so many Dispensary Districts, having regard to the extent and population of such Districts as they shall deem necessary.'"

Sir W. SOMERVILLE said, that the proposed Amendment raised an important question, by those words which authorised going beyond the boundary of any one union in forming the dispensary district. That provision militated against the principle of the Bill, and he could easily show the great importance of not exceeding the bounds of the union. The effect of the Amendment would also be, that it would bring the boards of guardians and the central authority into collision; and he feared that want of confidence between the two would be increased, if an appeal were given to the Lord Lieutenant. In conducting this Bill, he was most anxious to consult the wishes of hon. Members on both sides of the House; and if it really seemed desirable to the Committee that an appeal should be provided, and perhaps also that the plan of local arrangements should first proceed from the local authorities, he would offer no objection to such an arrangement. There might be this compromise, that the first scheme or sketch should be proposed by the different local authorities, and if that scheme received the approval of the Lord Lieutenant, he should not object to the Amendment.

Mr. VESEY could not see why the right hon. Secretary objected to the appeal, for it did not appear likely there would be many such appeals; and they would not be resorted to except in gross cases of abuse.

Mr. CLEMENTS wished to bring forward his Amendment, which was to the effect of so altering the clause as to give the initiation or origination in the matter entirely to the boards of guardians, and that the Commissioners should have the same powers they now possessed.

Mr. F. FRENCH did not see how the Amendment of the hon. and learned Member for the University of Dublin could be reconciled with that of the hon. Member for Leitrim.

Colonel DUNNE thought that the Amendment of the hon. and learned Member for Dublin University did not go far enough, and hoped he would endeavour to extend its operation.

Mr. G. A. HAMILTON offered to withdraw that part of his Amendment which would legalise exceeding the boundaries of one union in the formation of the districts, and taking parts of adjoining unions to form one dispensary district.

Colonel DUNNE suggested, that the best course would be to withdraw the clause for the present, in order to incorporate with it the several Amendments proposed to be inserted; and then the entire clause would be in an intelligible form before the Committee.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 51; Noes 5: Majority 46.

Mr. G. A. HAMILTON then moved—

> "At the end of the last Amendment to add the words 'but so, nevertheless, that no electoral division formed under the Acts for the more effectual relief of the destitute poor shall be divided; and in such scheme or plan the said Commissioners shall also state the number and salaries of the officers to be appointed for the service of each such Dispensary District, and the number of persons who shall be members of the committee of management of such district as hereinafter is provided.'"

Sir W. SOMERVILLE said, that the decision of the amount of remumeration to the medical officers ought not to rest with the boards of guardians; for practical experience had shown that many of their decisions had been regulated in fact by no principle at all, but from motives the most capricious, personal, and partial. While in some districts medical officers had been appointed at salaries which it was wonderful the veriest drudge would accept, in other districts the medical officers had been appointed at an amount of remuneration five times greater than they ought to have. The proper course was to leave the final fixing of these salaries in the hands of the Commissioners.

Mr. CLEMENTS defended the principle of the local settlement of the amount of the salaries, and would divide the Committee upon his Amendment.

Major BLACKALL thought the medical men should be paid according to the worth of their services, and irrespective of considerations as to their private practice. He objected to the boards of guardians originating the amounts of the salaries, because personal interests would be certain to intervene, and in some localities the salaries would be very low, and in others very high, being fixed and regulated by nothing but personal and local prejudices and influences.

Mr. MOORE was of opinion that it would be desirable to establish, by Act of Parliament, a general scale of these salaries, applicable to the whole country. Would the right hon. Secretary for Ireland say if any plan had been proposed for a scale of remuneration, to be drawn up according to the circumstances of the district, and having regard to the fact whether or not private practice was to be allowed to the medical officer.

Sir W. SOMERVILLE thought that there might be a maximum. In the 25th clause, power was given to the Commissioners to make regulations, and there was no reason against a settled plan being laid down under that clause.

Mr. MOORE could point out to the Committee the inequality in salaries arising from the decision of the amounts being in the hands of the boards of guardians, the payments made in different unions ranging from 60*l.* and 70*l.* down to very low sums; and he said he could run over fifty cases if it were necessary in which it would appear that caprice, partiality, and evident corruption prevailed among the boards of guardians in regard to the salaries of their own friends.

Sir W. SOMERVILLE said, that the question now before the House was whether the initiation of salaries was to come from the boards of guardians or from the Commissioners.

Mr. SCULLY must protest against the doctrine of a Dublin board having the power of taxing the ratepayers. The boards of guardians were the persons who were responsible; the ratepayers were the persons concerned, and he contended that the salaries should be under the control of the boards of guardians. The Dublin board would give salaries of 90*l.* a year whether the duties performed were worth it or not.

Colonel RAWDON wished the hon. Gentleman and the Committee to remember, during this discussion, that there was another party concerned, and deeply concerned, in the matter before them, besides the Commissioners and the boards of guardians, and that party was—the poor.

Lord NAAS said, that in cases where the boards of guardians had the settlement of the salaries in their hands, the amount of them was either too large or too small. Let the Committee then take the middle course and strike out the word "salaries," and, adding a proviso to the 10th clause, enacting that in cases of salary, which the Board of Health considered too little, that the Board of Health should have the power of reconstructing the arrangement, and awarding such a salary as they deemed sufficient. This would give to the board of guardians the power of proposing or initiating the salaries in the first instance, and would prevent the medical officers from being underpaid.

Amendment proposed to the proposed Amendment, by leaving out the words "and salaries."

Question put, "That the words 'and salaries' stand part of the proposed Amendment."

The Committee divided:—Ayes 41; Noes 24: Majority 17.

Colonel DUNNE considered the proceedings on this Bill as a most complete interference with the whole of the institution of local government in Ireland.

Mr. G. A. HAMILTON then moved to strike out the words, "and it shall be lawful for any such board of guardians to appeal against such Order in Council within one month after the date of such order."

Mr. CLEMENTS said, that if the order was to be made subject to the approval of the Lord Lieutenant, that approval would be given at the time the order was issued; and that before the guardians had seen it, and thus they would be mocked with an appeal against what they knew nothing about, and which had in fact been already decided on appeal.

Amendment proposed—

"At the end of the last Amendment to add the words 'and it shall be lawful for any such Board of Guardians to appeal against such order to the Lord Lieutenant in Council, within one month after the date of such order, and the Lord Lieutenant in Council shall finally consider and determine the same.'"

Question put, "That those words be there added."

The Committee divided:—Ayes 31; Noes 39: Majority 8.

House resumed.

Committee report progress; to sit again on Thursday, at Twelve o'clock.

POOR LAWS (IRELAND).

Colonel DUNNE, in moving for leave to bring in a Bill to amend the Irish Poor Laws, said that it had been asserted heretofore that he and other hon. Gentlemen who thought with him wished to abolish the poor-laws entirely. That he altogether denied; but he wished to amend them, as without some amendment in them the country would continue in its present wretched condition. On a former occasion several Members of that House, as also of the other House, agreed to certain resolutions, which they laid before the First Lord of the Treasury; and it was on these resolutions that he intended to base his Bill for the amendment of the poor-laws. The first of these resolutions referred to the abolition of outdoor relief. Whilst he wished to abolish outdoor relief, he was aware that in the present state of destitution in Ireland it could not be abolished without a substitute; and, therefore, he was prepared to introduce a certain modification of that abolition, though it might not be acceptable to Ministers, nor even to all Irish Members. He felt, therefore, that if the clauses which he was prepared to introduce were not worthy of consideration during the recess, he would have no *locus standi* next Session to bring them forward. The second ground of amendment was the appointment of paid guardians, in which he expected to have the co-operation of all Irish Members. Unlimited taxation—such as was exercised by these officials—was unconstitutional, and was also destructive of the interests of the union to which these paid guardians were appointed. He, therefore, proposed that the power of appointing them should be removed from the Commissioners; and that in case of a dereliction of duty on the part of the local board, a fitting tribunal be appointed to decide in all such cases. The third proposition of amendment related to the extravagant expenditure of the establishments. He might be told that within the last six months expenses of outdoor relief had decreased 40 per cent. He did not deny that; but he denied that the expenses of the establishments had been reduced. In 1848, he found by a report that the rates for poor-law purposes in Ireland amounted to nearly two millions, whilst in 1849 they exceeded that amount. He had also to object to the high valuation of the land for poor-law purposes in Ireland; and, taking all the burdens which land was subject to in Ireland into account—many of which the landholders were exempted from—he had no hesitation in saying that taxation in that country averaged 8*s*. 4*d*., in the pound, whilst in England it did not amount to half that sum. Therefore, in his opinion, some other element besides land should be introduced for taxation; and if he should be permitted to introduce his Bill, he thought he would be able to deal with the matter in a satisfactory manner. He had said enough to show that his object was not extravagant or subversive, and he would not then trouble the House further on the subject.

Motion made, and Question proposed, "That Leave be given to bring in a Bill to Amend the Irish Poor Law."

Mr. G. A. HAMILTON seconded the Motion.

Mr. P. SCROPE said, he feared that the object of the hon. and gallant Member was to subvert the entire of the Irish poor-law as it at present existed. In the first place, he stated that his object was to abolish outdoor relief, which was the main principle of the law. Next, he wished to put an end to the compulsory system and the appointment of vice-guardians, which was the second great principle of the law. In short, it would seem as if his object was entirely to subvert the present system. It appeared by the Commissioners' report that a great diminution had latterly taken place in the amount of outdoor relief; but he believed that that was to some extent to be attributed to the niggardly manner in which it was administered, and not altogether to the diminution of distress. Any one who knew anything of the south or west of Ireland must admit that the people were still dying there in great numbers for the want of outdoor relief. He contended that if outdoor relief were put an end to, it should be only on condition that indoor relief was made ample and sufficient. The *Times* correspondent had described the state of the Limerick workhouse, which had before been looked upon as the model workhouse of the south of Ireland. The great remedy for Irish distress was reproductive employment, for which there were the most enormous facilities all over the country. Where it had been tried in arterial and in thorough drainage the greatest benefit had accrued, and the land had so much increased in value as amply to return the outlay. But only a paltry sum, 200,000*l.* had been so expended. Had the 2,000,000*l.* which the working of the poor-law cost been expended in reproductive works, a very different state of things would be observable in Ireland. He could not refrain from thus expressing his strong opinion that reproductive employment was necessary to make the poor-law work well, and that it would be a much better way of providing for the people than shutting them up in workhouses, at the expense of the moral and industrial character and resources of the country.

MR. F. FRENCH said, that one main object with his hon. and gallant Friend the Member for Portarlington was to secure reproductive employment for Ireland. There could be no real doubt that outdoor relief had been most injurious to the morality and to the interests of that country; but still the hon. and gallant Member did not propose to abolish it without providing an efficient substitute. It was most unjust to cast blame on the Irish proprietors, who had contributed largely to the relief of the existing distress. The hon. Gentleman the Member for Stroud had for years made himself the exponent of the condition of a country in which, till last year, he had never set his foot, and of the state of which he really knew nothing; making himself the receptacle for all sorts of stories, however improbable or impossible. It was monstrous to hear the hon. Member maintain the unconstitutional system of taxation by the nominees of the Crown, in the shape of poor-law guardians appointed by the Government. The hon. Member was very liberal of his advice to others, and prodigal of their money; but, if his own were required, would be as loth to part with it as any person could be.

MAJOR BLACKALL said, it should be recollected that outdoor relief was merely permissive, and was never put into requisition until the workhouses were completely full. He believed that in very few unions was outdoor relief given to ablebodied paupers, who were generally absorbed by the various public works going on in different parts of the country. If vice-guardians were obnoxious, they might be dispensed with if the elected guardians would only do their duty; but he could not consent to take away the power of making such appointments. He knew cases in his own district in which they had been of the greatest advantage. If the expense were objected to, the remedy was in the power of the guardians; but he believed that the poor-law officers, generally, were not over, but under, paid. He believed that any defects in the working of the poor-law would be remedied by the recent change which had been made in the electoral divisions, and that, therefore, no legislative alteration would be necessary. He would not, however, oppose the introduction of the Bill, although he feared its details would be found to be wholly impracticable.

SIR G. GREY said, as there did not appear to be any indisposition on the part of the House to permit the introduction of this measure, he, on the part of the Government, would not offer any opposition to it. He hoped, however, it would be clearly understood that no sanction whatever was given by the Government to the opinions entertained on this question by the hon. and gallant Gentleman who proposed to introduce this Bill. He (Sir G. Grey) was not so fortunate as to have heard the speech of that hon. and gallant Gentleman, but he understood that his main object was to take away altogether the power of giving outdoor relief in Ireland. Now he (Sir G. Grey) must admit that, as at present administered, that power was greatly abused in some cases; still it would be difficult to carry into effect the hon. and gallant Gentleman's object, without sacrificing a large amount of human life—without at all events incurring the risk of such a sacrifice; and he thought that, generally speaking, it would be inexpedient to alter the law in the manner proposed. He agreed with the hon. and gallant Gentleman who had last addressed the House, that the regulations which had recently been made with regard to the alteration of the divisions of the unions might tend to remove some of the objections which had been made by the proprietors of land in Ireland as to the working of the poor-relief system in that country. He was in hopes that, after they should have had greater experience of that system, those objections would be in a great measure removed. He very much differed from his hon. Friend the Member for Stroud as to the expediency of Government sanctioning again any large measure of employment on public works, with the view of relieving the poor of Ireland. Whilst he was of opinion that the advances which had been made by Parliament for arterial drainage had been very beneficial in their results, he should nevertheless very much lament to see a large number of persons again relieved by such a system. He believed that the effect of such a system would be to increase and perpetuate the pauperism of Ireland. As there did not appear to be any disposition to enter into the details of this question, he would only say, with reference to what had fallen from the hon. Member for Roscommon, that the House had no intention, as far as he (Sir G. Grey) could gather, to cast blame or censure upon the Irish proprietors for having neglected to relieve the poor of Ireland. His right hon. Friend the Secretary for Ireland had demonstrated by figures how largely the landed proprietors of Ireland had contributed to the relief of the poor of that country. It was impossible to deny that there were some cases in which blame did attach to these proprietors; but he thought it would be exceedingly unjust to make the whole class responsible for the shortcomings of a few individuals of which it was composed. He believed that the Irish poor-law had, on the whole, been attended with the most beneficial results. No doubt, in some particular instances, it had inflicted hardship and inconvenience, but he believed that it had preserved a large amount of human life. He looked upon the Irish poor-law as a valuable and necessary measure, and he should be sorry to see any step taken by the House implying disapprobation of its principle.

Mr. STAFFORD said, that one important provision in the Bill of his hon. and gallant Friend had been overlooked, and that was the clause for lightening the burthen of the poor-rate on real property. If it were for that provision alone he should be inclined to support the proposition of his hon. and gallant Friend. His plan was to lay upon other interests a share in the taxation, and seeing that the whole question of the income tax was to be discussed in the ensuing Session, he (Mr. Stafford) thought a more fitting time than the present could not have been chosen for introducing the Bill. He denied that on that (the Opposition) side of the House, there was any wish suddenly to put a stop to outdoor relief. With respect to the reproductive employment suggested by the hon. Member for Stroud, he wished that the hon. Member would lay a Bill on the table, and the House would be able to see whether or no there was anything tangible in it. As to the expense of working the poor-law, he denied that as a whole the poor-law officers were underpaid. The accounts received of the failure of the potatoes, were no longer of a doubtful character. That failure was assuming a serious aspect; and he hoped the attention of Her Majesty's Government would be immediately directed to it, in order to see what arrangements could be made if it should please Almighty God, in his inscrutable wisdom, to inflict again on Ireland the calamities of past years. Two systems of expenditure had to be decided on now, and the question was whether the House would take a high tone, extend outdoor relief, give relief indiscriminately, and let the resources of real property in Ireland utterly run out; or whether they would make the property of Ireland responsible for its poverty, and give the people there to understand that, whatever happened, nothing more in the shape of assistance was to be expected from England. Would they adopt the advice given by the hon. Member for Stroud, as it issued from his luxurious mansion in Belgravia? His (Mr. Stafford's) wish was that the property of Ireland should maintain its poverty, but that that should be done with great economy and the application of stringent tests; and, unless these plans were adopted, he firmly believed that they would again witness the miserable spectacle of one part of the empire coming and seeking for eleemosynary support from another part. He regretted that the Session should have been so barren of legislation for Ireland, where it was wanted so greatly, and therefore he was of opinion that the Bill of his hon. and gallant Friend should be all the more welcome. He considered that the payment of the poor-law officers should be left to those who paid the taxes—more especially at this moment, when the tendency of prices on all things was decidedly downwards.

Sir H. W. BARRON said, that if hon. Gentlemen could see the condition of the county of Waterford they would not be surprised that Irish Members could not remain silent in that House, and that they could not forbear from proclaiming to the British Parliament and the nations of the world the misery and wretchedness of devoted Ireland. He believed the poor-law, in its present shape and administration, was one of the greatest grievances of which the Irish people complained. It was drawing into the vortex of universal pauperism more than one-half the rate-payers of the country, and sending them into the poorhouses. The farmers had been universally reduced to beggary by the operation of the poor-law, and the effects of free trade. Let the House not be surprised, then, if he reminded them of their misgovernment of the country. Ireland had been their difficulty, and she would be their difficulty again, unless they governed her by a majority of Irish Members. At present the Irish Members were outvoted by the English and Scotch. The representation of the country was, therefore, a mockery. Englishmen would not bear such a representation; why, then, should Irishmen bear it? It was such a species of legislation which had lost them America, and might yet lose them Ireland. So far as he understood the Bill, and he had not yet seen it, he entirely agreed with it. He believed that outdoor relief in Ireland had been a total failure. The English people complained of a paltry 7*d*. in the pound income tax, and then they appeared astonished that the Irish people should complain of 2*s*., 8*s*., and even 10*s*. in the pound poor-law taxation. The English complained of the poor-law as oppressive. He denied they had any right to complain of the poor-law. The Irish people were the only people who had a right to complain of the poor-law. The Englishman's property had been acquired and purchased with the burden of the poor-law tax on it. The Irishman had acquired his property without any such tax, and it was, therefore, monstrous to impose it on Irishmen. The poor-law was a new tax on house and landed property in Ireland. Why should those species of property be only subjected to the poor-law tax, and all other descriptions of property exempted? It was a monster grievance this poor-law, and the Government should have no peace until they redressed this, and all other of the monster grievances of Ireland. He regretted that there should be, as there were, popularity-hunting men on the Irish boards of guardians, and that there were others on those boards who desired to dip their hands into the pockets of their neighbours. He objected to the principle of sending a couple of naval officers, who knew as much about Ireland as they did of the North Pole, or of Kamtschatka, to tax the people of that country. He, therefore, admired the wholesome plan propounded in the Bill of the hon. and gallant Member for Portarlington, of introducing the English law into Ireland. He hoped the House would next Session take up the subject in a proper spirit. He promised that Her Majesty's Government should have no peace, and no means of governing Ireland in quietness or satisfaction, until they looked the evil straight in the face, and remedied it. While there was health in his body he should, with the blessing of God, continue to press on the Government the necessity of remedying it; and until they did so, life and property would be insecure, and Ireland would be a constant source of weakness to England. At this late period of the Session, he felt he should have neglected his duty had he not told the House and the country that Government had, this Session, done nothing for Ireland.

Mr. S. CRAWFORD had not understood the hon. and gallant Member for Portarlington to say, that the object of his Bill was to abolish outdoor relief, or he (Mr. Crawford) would have felt it his duty to oppose the introduction of the measure. He admitted that outdoor relief ought to be restrained within certain limits, and placed under such regulations with regard to distribution as would obviate as far as possible the evils which now existed. The hon. Member for Waterford city had said, that when the Irish landlords purchased their estates they were not subject to this tax. He (Mr. Crawford) could only say, then, that it was a grievous wrong to the people of Ireland, that the landlords were not responsible for the condition of the people. It was that non-responsibility which had reduced the mass of the inhabitants of Ireland to be a potato-fed people, and had in many places rendered necessary an enormous taxation for their support. That taxation, it was true, had fallen in some measure upon those by whom it ought justly to be borne—the landed proprietors of Ireland; but a great portion of it was paid by the commercial interests in the towns. Much of the evil under which Ireland laboured was referable to the land. The towns were overburdened by the poor population being driven from the country into the towns. This ought not to have been permitted, and would not have occurred under a more judicious system. With respect to poor-law relief, he was of opinion that everybody who had relief, ought, as far as possible, to work for that relief. He considered that in certain cases it was necessary vice-guardians should be appointed, for, although it was a constitutional principle that the elected guardians should manage taxation, yet cases had occurred in Ireland where it was absolutely necessary that paid guardians should be appointed. He was, however, anxious that the practice of appointing paid guardians should not be continued if it was possible to avoid it. The hon. Member for Waterford city had complained of the effects of free trade; but how, he (Mr. Crawford) would ask, could the people of Ireland, or even of England, have been sustained during the last few years, but for the course taken by the lamented statesman recently deceased, in removing the taxes upon food, and so preventing thousands from being starved? He admitted that it was necessary the poor-law should be revised, for in some cases it was wholly inefficient. Understanding, however, that the Bill would not absolutely forbid outdoor relief, he should support the Motion for its introduction.

Colonel DUNNE, in reply, said he had before stated that he did not think it possible to relinquish outdoor relief altogether; but he wished that it should be given in a different manner from that now adopted. With regard to the question of free trade, so far as Ireland was concerned, it was entirely a one-sided free trade, for the Irish people were not allowed to cultivate tobacco or sugar, although they were told they enjoyed the advantage of free trade, because there was a free trade in corn.

Colonel CHATTERTON said, it was not his intention to enter into any general or detailed statement of the acting of the poor-law in Ireland, or of all the evils and manifest injuries it had brought upon Ireland, for they had been so fully shown and ably commented upon by his gallant and hon. Friend the Member for Portarlington that it would be needless for him to detain the House by their repetition; therefore he should merely confine himself to a few facts respecting the working of that law in his immediate locality; and he was convinced that he could assert without fear of contradiction, that there was no part of Ireland where it was more admirably carried out than in the city of Cork, and he attributed this chiefly to the fixed determination of that excellent, zealous and enlightened body the poor-law guardians, not to allow outdoor relief to be forced on them. In vain, however, had that most destructive body the Irish Poor Law Commissioners endeavoured to compel its adoption in Cork: it had always been effectually opposed and resisted; and when the workhouse became filled, the guardians immediately provided and fitted up other premises for the poor, and there never had been a solitary instance of a person requiring relief or assistance having been refused admission. To prove the advantage of this system of not entertaining outdoor relief, he would merely mention one instance, and draw a comparison between Cork and a comparatively small town about twenty or twenty-five miles distance from it, Kanturk. By the census taken in 1841, the population of Cork city amounted to 156,657 persons; in June, 1849, there were 6,979 paupers receiving indoor relief; outdoor relief, none; making a total of 6,979. Now, at Kanturk the population was, at the same period, 85,561; in June, paupers receiving indoor relief, 2,257; outdoor relief, 25,619; total, 27,900 paupers, very nearly one-third of the population. Thus, with a population less by 71,096, the poor of Kanturk exceeded those of Cork city by 10,981 persons. Now, did not this sufficiently demonstrate the ruin and impolicy of giving outdoor relief? If persisted in, it must in the end pauperise all the ratepayers in Ireland, opening as it did the door to the greatest fraud and imposition, encouraging the idle and indolent, and actually holding out a premium to them to leave their employment to be supported in a life of laziness and inactivity. The numbers in and applying for admission to the Cork union for some time varied from six to seven thousand, which was a much larger number than the union was calculated to hold, but other accommodation had always been procured; and when the Commissioners failed in forcing outdoor relief, they then proposed the division of the union into north and south. He could not be aware if any new arrangement was contemplated for this most oppressive and unjust law; but, considering as he did the system of outdoor relief to be a ruinous and destructive measure for Ireland, and that by exertion it can be done without—witness the practice in the city of Cork, and in eight of the eleven unions in that county—he should oppose it by every exertion in his power; and having endeavoured to lay before the House some particulars respecting his immediate locality, he should no longer trespass upon its indulgence.

Sir W. SOMERVILLE: Can the hon. and gallant Officer prove what he has said about the Commission endeavouring to force outdoor relief upon the guardians in Cork?

Colonel CHATTERTON: I was so assured by many poor-law guardians when I was in Cork.

Leave given.

Bill ordered to be brought in by Colonel Dunne, Mr. French, and Sir Henry Winston Barron.

INCOME TAX—TENANT FARMERS.

Colonel SIBTHORP rose to bring forward the Motion of which he had given notice, relative to relieving the tenant-farmers from the operation of the income tax. He wished some abler Member, and one more competent to enter into the details of the question, had brought forward this Motion. The tenants were suffering from free trade, and they were less able than almost any other class to bear the losses to which they were exposed by the operation of the new system of commercial policy. He wished the right hon. Gentleman the Chancellor of the Exchequer would relieve him from the necessity of bringing forward this Motion, from his own sense of what was due to the tenant-farmers and justice, by acceding at once to his proposition, and thus relieve him and his hon. Friends who attended in that House from a tiresome speech, and an unsatisfactory speech on the part of himself, because of the weak efforts he was only able to make in favour of the Motion. But as he despaired of this proceeding, he should submit his Motion to the House. He had been asked why he selected this particular period? He did so because he found that it would give relief to Scotland and England equally. He knew he should be met, and fairly met, by a statement from the right hon. Gentleman the Chancellor of the Exchequer, that the period of three years would expire in April, 1851. If the right hon. Gentleman would assure him—he did not wish to bind the right hon. Gentleman to an impossibility—that during the recess he would look into the whole matter and give it his serious consideration, and that if he found sufficient reason he would be disposed to give relief to that class of persons for whom he humbly, deeply, and earnestly entreated sympathy—to the tenant-farmers of the country—if the right hon. Gentleman would do that, and hold out a hope of the probability of the removal of this tax, he would not trespass on the time of the House or of the right hon. Gentleman. But as he was afraid the right hon. Gentleman was not disposed to give him such an assurance *instanter*, he must take the liberty to lay before the House the grounds on which he conceived he was justified in resting his Motion, to which he trusted his hon. Friends in that House would give their support, and thus bring the right hon. Gentleman to a sense of duty, which, however, he would rather see emanate from the right hon. Gentleman from a sense on his part of what was right, and what ought to be granted to those for whom he now ventured to plead. He did not wish to speak ill of any man who had ever sat on the Treasury bench. Though it was his duty to differ from a deceased statesman—the late Sir Robert Peel, to whom he gave the utmost credit for the exercise of every duty in private life, and with whose family he deeply sympathised in their bereavement—still, as a public servant, and remembering what had passed in that House during the period the right hon. Baronet held, he might say, the most important situation in the country—recollecting what had taken place, and what had fallen from the right hon. Baronet, which led to those great disappointments felt by all in the House and everybody in the country—except the free-traders, certainly by the great and important agricultural body—landlord, tenant, and, not least important, the labouring class, he was bound to call the attention of the House to facts, He well recollected when the late right hon. Baronet in February, 1842, brought in his first Corn Law Amendment Bill, the price of wheat was *56s. 11d.*; it was now *36s. 4d.* At that time the right hon. Baronet calculated the remunerating price of wheat to be from *54s.* to *58s.* per quarter. The right hon. Baronet considered his Bill to be an amendment of the existing corn laws —which many on his (Col. Sibthorp's) side of the House thought was anything but an amendment—but, in reality, a violation of those rights and engagements admitted by every statesman, Mr. Huskisson and others; he recollected the words which the right hon. Baronet used to introduce his measure, and he would read them to the House. The right hon. Baronet commenced by saying—

> "Sir, I rise in pursuance of the notice which I have given, to submit to the House the views of Her Majesty's Government with respect to the modification and amendment of those laws which regulate the import of foreign corn."

The right hon. Baronet went on to say—

> "I am aware of the difficulties which encompass the subject I am about to bring under the consideration of the House. With regard to a matter in respect to which such adverse opinions prevail, it is difficult to discuss it without making statements or admissions which will be seized on by those who entertain opposite opinions; but I feel that the best course I can pursue is to submit to the House the considerations which influenced the judgment and decision of Her Majesty's Government, and to leave them to be decided on by the reason, moderation, and judgment of Parliament." * * * * "The only object which I shall aim at in bringing this subject under the consideration of the House will be to state, as clearly and intelligibly as I can, the considerations which have induced Her Majesty's Government in reference to the nature of the measure I am about to propose. One other object I shall aim at—namely, to discuss this question, affecting such mighty interests, in a temper and spirit conformable with its great importance, bearing in mind how easy it is on each side to raise exaggerated apprehensions, and find inflammatory topics by which the feelings of the people may be excited. Her Majesty's Government have deemed it their duty to consider the corn laws with a view to their modification and amendment. They undertake the consideration of this question at a period when there is commercial distress, and when there exist great suffering and privations connected with that distress. But I feel it my duty, in the first place, to declare, that after having given to this subject the fullest consideration in my power, I cannot recommend the proposal which I have to make by exciting a hope that it will tend materially and immediately to the mitigation of that commercial distress. While I admit the existence of commercial distress—while I deplore the sufferings which it has occasioned, and sympathise with those who have unfortunately been exposed to privations, yet I feel bound to declare that I cannot attribute the distress—to the extent in which it was by some supposed to be imputable—to the operation of the corn laws. I do not view with those feelings of despondency with which some are inclined to regard them, the commercial prospects of this country." * * * "But looking at the general state of the commerce of this country, I neither see grounds for that despondency, with which some are in the habit of viewing it, nor can I see any ground for imputing to the operation of the corn laws, as some do, any material share in the evils at present existing. I think we are too apt to assume that there must be a constant and rapid increase in the amount of our exports to other countries; and we are too apt to despond when we find any occasional check in the amount of our exports. We decline to compare the extent of our commerce in the last year with a period of time more distant than the preceding year. We insist on comparing it with the year immediately preceding, and if there appears a decline, we are too apt to apprehend that the sources of our prosperity are dried up. At all periods of our commercial history there have been these alternations of prosperity and depression. The latest period to which the returns respecting our trade are fully made up will include the year 1840; and comparing the state of trade in 1840 with its condition in preceding years, during the operation of the corn laws, I see no ground for the inference sometimes drawn, that the corn laws are the cause of our misfortunes, and that the repeal or alteration of them will supply an immediate remedy." * * * *
> "I refer to this for the purpose of confirming my impression, that to look for any rapid or great change in the condition of the working population of this country from any extensive change of the corn laws, would subject you to great disappointment. My firm belief is—I am now speaking with reference to those who wish for an absolute repeal of these laws—that if the House of Commons should be induced to pledge itself to a total repeal, which we on this side of the House deprecate so much, without relieving permanently the manufactures of the country, you will only superadd the severest agricultural distress. Any such disturbance of agriculture as must follow from a total repeal of the corn laws would, in my opinion, lead to unfavourable results, not only with respect to the agriculturists themselves, but also to all those numerous classes who are identified with them in interest."

The right hon. Baronet went on to say—

> "Nothing can be more difficult than to attempt to determine the amount of protection required for the home producer." * * * *
> "With reference to the probable remunerating price, I should say that for the protection of the agricultural interest, as far as I can possibly form a judgment, if the price of wheat in this country, allowing for its natural oscillations, could be limited to some such amount as between *54s.* and *58s.*, I do not believe that it is for the interest of the agriculturist that it should be higher."

The average was now much under *40s.* Further on the right hon. Baronet said—

> "My belief, and the belief of my colleagues, is, that it is important for this country—that it is of the highest importance to the welfare of all classes in this country, that you should take care that

the main sources of your supply of corn should be derived from domestic agriculture; while we also feel that any additional price which you may pay in effecting that object is an additional price which cannot be vindicated as a bonus or premium to agriculture, but only on the ground of its being advantageous to the country at large."—*Hansard* (3rd Series), Vol. lx., pp. 201, 206, 212, 213, 225, 232.

Those were the statements in 1842 which they heard from the right hon. Baronet. The protection which he wished to give was not protection to any particular class. His belief, and the belief of his colleagues was, that it was important to this country, and to all classes, that care should be taken that the main source of our supply of corn should be derived from domestic agriculture, and that any additional price which was paid in effecting that object would be counterbalanced by the general gain in other respects. The words of the right hon. Baronet were, that it was essentially necessary to give protection to domestic agriculture; and from the official quotations which could be referred to, it would be seen that the increasing imports from foreign countries continued to depress, and would ultimately annihilate, the productions of this country. In June, 1842, the right hon. Baronet brought in a Bill which granted to Her Majesty an income tax on the property of the country for three years. The tax was to cease in April, 1845; it was renewed from time to time, and it would expire on the 5th of April, 1851. He wished some hon. Member, between 1842 and 1851, had introduced a Bill to effect the removal or the cessation of the tax on those important branches of our national industry. If they looked at the agriculture of the country from 1842 to 1850, they would find a constant depression arising from the importation, not only of grain, but of cattle and everything connected with agricultural produce. It deprived the farmers of this country of the chance of a fair remunerative price for their produce. These importations had thrown out of employment a class of persons whom the late right hon. Baronet, of whom he had been speaking, was very much disposed to maintain; and they had tended to increase crime, which hunger compelled that class of men to commit. He might show the amount of corn, cattle, butter, cheese, and other agricultural produce that had been imported into the country; but he did not think it necessary to read to the House at that time the heap of documents which he had at his side, in order to do this if required. It would be enough to show them that there were strong grounds for asking for this boon, small though it was, for the cultivators of the soil, who in the present state of their affairs knew not where they were, far less where they would be some years hence. On looking at the immense importations that had taken place into this country, he found that in 1847, 1848, and 1849, being three years, they amounted to 18,574,249 quarters of wheat, barley, and oats. In the period of eight years, from 1842 to 1849, the importations amounted to 206,422,739 quarters: this was exclusive of 1850. From these facts, he conceived that there were good grounds for bringing forward his Motion. He would be told by the hon. Members for the West Riding or for Manchester, that there was no distress in the country; but it was only four nights ago that the hon. Member had grounded his objection to the large provision made for the family of the Duke of Cambridge on the distress of the country. He believed, however, that there was no Member of that House who would say that there was not great distress in the agricultural parts of the country; but, should there be, he would ask him why were the farmers unable to produce and to have those necessaries of life which they complained they had not? He might also be told that the Motion for removing the tax applied to a comparatively small number of persons; but what right could there be for calling on any number of men, more or less, to pay that for which they had received no adequate return, and which they had not the means that others had to pay. He did not call upon his right hon. Friend to abolish all taxation. He knew that a large sum was necessary to support the establishments of the country; but what he asked was, for a more equitable adjustment of that taxation. He asked the Government to look at home—not to consider the interest of the foreigner so much, and of the British farmer so little; and, whilst all proper attention was paid to trade and commerce, to have some little regard to the tillers of the soil. He made this appeal, not on behalf of the wealthy and influential—not on behalf of the aristocracy or gentry—but on behalf of that distressed and suffering class, the tenant-farmers of England. He did not ask for anything novel or extraordinary; he asked the Government, if they did not at once accede to his Motion, to promise that they would take the subject into their serious consideration, so that this suffering body might entertain a reasonable expectation that something would be done for them during the next Session of Parliament. If, however, the Government did not accede to these suggestions, he told them plainly and frankly that he would bring forward the question in the next Session of Parliament. He would again and again renew his application to the House, and endeavour to force upon the Government and the House the necessity of acting justly towards a large and respectable and most useful class of their fellow subjects.

Motion made, and Question put—

> "That, from and after the 20th day of September next, the Duties payable under Schedule B of the Income Tax Acts shall cease and determine."

The CHANCELLOR OF THE EXCHEQUER thought the hon. and gallant Member seemed himself to feel that whatever Motion he might think proper to bring forward upon this subject should be made next year. He (the Chancellor of the Exchequer) need hardly remind the House, that to relieve any class of the community from income tax would be inconsistent with the whole principle upon which that tax was levied. It had always been held that no one class ought to be taxed unless all were taxed—that all persons having incomes at and beyond a certain amount ought to be made to contribute, in proportion, to the necessities of the State, and that all persons not having such an amount of income ought to be entirely exempted. Therefore it would, in his opinion, be unjust and a breach of faith to exempt any one class. If the profits of farmers were not taxed, the manufacturers would at once, and with fairness, claim an equal exemption. Other classes would also complain that they were unduly burdened, and the result would be that the tax must be altogether abandoned or maintained as it at present stood. However, as the hon. and gallant Member intimated his intention of bringing the subject forward next Session, which would be the proper time for mooting any question connected with the mode of levying this tax upon tenant-farmers—and there were many such questions—it would probably be more consonant with the wishes of the House that he (the Chancellor of the Exchequer) should refrain from saying more upon the subject now; and he hoped the hon. and gallant Gentleman would not think it necessary to give the House the trouble of dividing.

MR. BUCK was very glad his hon. and gallant Friend had brought the subject under the consideration of the House, and hoped it would attract the serious attention of the Government during the recess. He believed there was no class of men in any country suffering more deeply than the tenant-farmers of England at the present moment. There was scarcely a tenant-farmer in England who had not for the last two or three years been paying the income tax, not out of his profits, for he made none, but along with his losses. He much regretted to find that the Government did not sympathise with the sufferings of that class—had they done so, and even promised that they would take the whole question into their consideration — had they shown they were willing to meet their case with some degree of liberality, it would be a consolation; but there was neither sympathy nor the promise of relief. He now came to the conclusion that any relief to the agricultural interest must be the result of the exertions of that class—that fair play would not be conceded, but must be wrung from the Government—that agitation must be rekindled and kept up, and the pressure from without brought to bear upon the reluctance of the Government and of Parliament. The tenant-farmers would not, could not, rest satisfied under the present state of things, and they would not be satisfied until they either received that degree of protection which would enable them to pay the taxes, or were relieved from those national burdens, so that they might be able to compete with the foreigner on something like equal terms.

MR. NEWDEGATE said, the right hon. Gentleman the Chancellor of the Exchequer had spoken of the income tax as fair and equable in its pressure on the farming class; but he ought to be aware that there was, as regarded its imposition on that class, a most remarkable anomaly, namely, that the farmer must pay whether he made profits or not. When their case, however, was brought before the House, it was always met by the sternest refusal to consider the anomalous position in which they are placed. They had invested their capital to a large extent on the security of laws which they did not suppose would be abrogated ; but yet the House of Commons refused to pay the slightest attention to their distress. The right hon. Gentleman attempted to include all within one formal category. He laid down the rule broadly that the income tax ought universally to apply. [The Chancellor of the Exchequer: I did not say universally, but to all classes.] Just so. The right hon. Gentleman meant to say that all classes ought to be equally taxed? But the farmers were not allowed to plead no profits, and to be exempted from the income tax, if they proved they made no profits, which constituted the application of this tax unjust and exceptional in their case, because all traders were exempt if they proved they made no profits. The right hon. Baronet had not ventured to assert that all classes were equally prosperous, or rather equally depressed — that all had the same ability to endure taxation? Would he deny — could any man deny — the notorious fact that the agricultural class, and especially the tenant-farmers, were in a most depressed condition? The right hon. Gentleman the Chancellor of the Exchequer had, on a previous occasion, himself admitted this fact; and yet he now would continue to tax them more heavily than the most prosperous portions of the community. Did the House consider the fact that upon the faith of an Act of Parliament the tenant-farmers of England had invested their capital in the soil? They had done so upon the security of the laws of England; those laws were abolished, and yet it was, forsooth, a matter of surprise that the tenant-farmers should seek to be relieved and lightened of that load of taxation which was imposed during the existence and in the faith of the continuance of those laws. He was much grieved at the speech of the noble Lord at the head of the Government, a few nights ago, on the subject of the malt tax. The noble Lord expressed a hope, it was true, that the distress would be only transitory, but he did not seem to have the slightest conception how long it would last, or to what extent it would proceed; but to whatever length it would extend—whatever might be the suffering it would occasion—whatever might be the ruin it would produce, upon one thing the noble Lord seemed determined, and that was to introduce no remedial measure. The Government had declared in favour of this direct taxation, and thus declared, that taxation ought to give no advantage to any one but to the Chancellor of the Exchequer, and that not only the proceeds ought to be applied exclusively to the public expenditure, but that neither by the imposition nor by the indirect operation of taxation, ought it to benefit any class of the community, but that to them all it should be solely and exclusively a burden—in fact, that taxation should represent nothing but encumbrance to every class of British subjects. The Government seemed to forget that in thus claiming the exclusive benefit of the form as well as the proceeds of the taxes for the State, they would teach all classes to consider the taxation and the Government itself an encumbrance. He confessed his dissatisfaction at the meagre declaration of the right hon. Gentleman the Chancellor of the Exchequer respecting the consideration of this question next Session. To an interest suffering deep distress, such a statement would be rather insulting than consoling, especially when coupled with the assurance of the Premier, that, however deep that distress might be, the Government would bring forward no remedy. According to the statement of the Chancellor of the Exchequer, when he produced the budget, there was a surplus of 2,220,000*l.* from 1849. There was 1,500,000*l.* expected this year, which would be, together, a surplus of about 3,700,000*l.*; yet whilst the agriculturists were in such distress, instead of helping them, Government had only taken the duty off bricks; and this, as everybody knew, would relieve the towns rather than the rural districts; in fact, the Government had sternly refused out of this surplus to afford any relief, worthy the name, to the interest they knew was suffering. He had felt it to be his duty to support the Motion of his hon. and gallant Friend the Member for Lincoln.

Mr. WODEHOUSE would support the Motion of his hon. and gallant Friend, though it might be regretted that the subject was not brought forward at an earlier period of the Session. He regretted that the Chancellor of the Exchequer had dismissed the question so summarily, as the position of the farmers at the present moment was perfectly new; and he hoped that, both with regard to himself and family, and to his landlord, the farmer's position would be fully entered upon. There never was a period at which the agricultural interest was more depressed; and, in fact, their case was at the present moment altogether new and extraordinary; there never was a time at which the farmers, landlords, and their dependants, were so depressed by hasty and inconsiderate legislation.

Mr. SPOONER said, there were two circumstances which ought to be taken into account in the consideration of such a proposition as the present: the first was, that the income tax was imposed when the rents of land were much more easily paid, and the profits of cultivation much greater than at present; and the second, that whereas the farmer was paying the tax out of a profit, he was now obliged to pay it with a loss upon his farm. Now, he thought the injustice of this was manifest, and that the least the Government could do was to pass a short Act in which the farmers would have the power of appeal to the Property Tax Commissioners in the same way as the trading classes; and that if they could show that they farmed at an absolute loss instead of a gain, and that, as was the case, their capital was absorbed in the cultivation of the land, they ought to be exempted from the tax. At all events, the power of appeal ought to be granted. If his hon. and gallant Friend would feel it to be his duty to divide the House, he certainly would vote with him.

Colonel SIBTHORP felt it to be his duty to divide the House upon his Motion. He could not account for the absence of some hon. Gentlemen belonging to the party he had the honour to be connected with; but as the right hon. Gentleman the Chancellor of the Exchequer had given so little hope of any remedial measure being introduced, he would take the sense of the House on the Motion.

Mr. DISRAELI: I think my hon. and gallant Friend is to be commended in bringing forward his Motion. I think it is the duty of every hon. Gentleman who supports the opinions we do, to take the sense of the House upon every convenient opportunity, and to endeavour to obtain ample and complete justice for this much suffering and depressed class. As to what has been remarked that it would be impossible to repeal the Income Tax Act during the present Session, I think there is no force in it, for there would be no difficulty in introducing a Bill during the present Session—a Bill which, if introduced by the Government, they would easily carry, with the aid of the Opposition, accomplishing the object which my hon. and gallant Friend has in view. I am glad that the subject has been introduced, although, I regret, that it has not been brought forward at an earlier period of the Session, when it would have been discussed more amply, and in a fuller House. I will give my vote with the greatest satisfaction in favour of the Motion of my hon. and gallant Friend. It is in perfect harmony with the principles which I have always supported; and it is my firm conviction that Parliament ought not to lose a moment in endeavouring to remedy the most unfortunate and depressed condition of the agricultural interest.

Mr. BRIGHT said, that, from the speech of the hon. Gentleman the Member for Buckinghamshire, one might suppose that the farmers were suffering most dire injustice from the present state of the law. [*Cheers from the Protectionist benches.*] He was not surprised at those cheers; for it seemed to be understood on the other side of the House that the farmer's condition had always been considered that of a beast of burden, and that he had never met with much sympathy in that House. Now, he recollected the passing of the income tax, and how it came to be levied as it was upon the farmer. It was notorious that it was almost absolutely necessary that it should be so levied, The necessity arose from the fact, that it would have been almost impossible to ascertain precisely to what the profits of farmers really amounted, simply because they had not adopted the accurate methods of book-keeping which prevailed in most branches of trade. It might, he believed, be shown that where sufficient capital was employed, the present mode of levying the income tax imposed on the farmer a smaller amount than he would have to pay if the ordinary mode of assessment were applied. If, indeed, it were proposed that farmers should pay no income tax whatever, while all other classes who employed capital in various ways should continue to bear the burden, he must say that that appeared to him one of the most extraordinary, and, he would add, one of the most impudent, propositions that could possibly be submitted to the Legislature. Hon. Gentlemen opposite seemed to be aware that they were approaching the end of the Session. During the recess it would be necessary for them to keep together the band of their followers in the country; and, perhaps, as the protection cry was nearly worn out, this might serve for a cry until next Session, and, in the meantime, probably that system of delusion which had been so long practised upon the farmers would be continued. Next year they would have to consider whether the income tax should be continued at all or not. When it was first proposed in 1842, no man was more opposed to it than he was; but so convinced was he now of the necessity of maintaining whatsoever direct taxation was now levied, so far as the amount was concerned, and of the propriety of relieving the great mass of the population from taxes which fell on the articles of which they were the chief consumers, that, obnoxious as the income tax was, he would be very sorry if the present or any other Government proposed that it should be repealed. He was quite sure that, in saying this, he spoke the sentiments of the great body of the people; although there might be many persons who felt the tax to be such a grievance that they would at all hazards support a proposition for its repeal. Let hon. Gentlemen opposite picture to themselves the amount of annoyance to which traders were subjected under this tax, and compare it with the absolute absence of annoyance in the case of farmers. He believed that the inhabitants of the towns would gladly exchange their own position for that of the farmers with regard to this impost.

The MARQUESS of GRANBY would support the Motion. The hon. Gentleman who had just sat down had altogether mistaken, or affected to mistake, the grounds upon which the present Motion was made, and had given no answers to the plain statement of his hon. and gallant Friend the Member for Lincoln as to the grounds upon which this test was imposed upon the tenant-farmers. There was this difference between that period and the present, that then they made large profits, now they sustained severe losses. When that tax was imposed, their produce was protected against the foreigner—now, the tax was maintained whilst the farmer was obliged to endure its burden, and to submit to foreign competition. At the time the income tax was imposed, the farmers were making large profits, and it was therefore an advantage to them to have the tax assessed on half their rents instead of on the gross profits. At that time the corn law existed; but now that it was repealed, the condition of the farmers was changed, and they were paying the tax not on a profit but on a loss. He could assure the hon. Member for Manchester that there was no fear of the cessation of the cry of "protection," to which he had alluded; it would be kept up with increased vigour; and had not the hon. Gentleman well known that such had been the case, he would not have spoken in the way he had done.

The House divided:—Ayes 32; Noes 50: Majority 18.

List of the AYES.

Arbuthnott, hon. H.
Arkwright, G.
Blackstone, W. S.
Bremridge, R.
Buck, L. W.
Chatterton, Col.
Codrington, Sir W.
Cubitt, W.
Dickson, S.
Disraeli, B.
Dunne, Col.
Frewen, C. H.
Granby, Marq. of
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hildyard, T. B. T.
Hornby, J.
Lewisham, Visct.
Lygon, hon. Gen.
Manners, Lord G.
Newdegate, C. N.
O'Connor, F.
Packe, C. W.
Portal, M.
Richards, R.
Rushout, Capt.
Spooner, R.
Trollope, Sir J.
Vivian, J. E.
Wodehouse, E.
Wyld, J.

TELLERS.
Sibthorp, Col.
Vyse, R. H. R. H.

List of the NOES.

Anderson, A.
Baines, rt. hon. M. T.
Barnard, E. G.
Bellew, R. M.
Blackall, S. W.
Blewitt, R. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brotherton, J.
Cobden, R.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Duncan, Visct.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Ellis, J.
Grey, rt. hon. Sir G.
Harris, R.
Hatchell, J.
Hawes, B.
Henry, A.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hume, J.
Kershaw, J.
Lewis, rt. hon. Sir T. F.
Maule, rt. hon. F.
Milner, W. M. E.
Morison, Sir W.
Nicholl, rt. hon. J.
Nugent, Lord
O'Connell, M.
Palmerston, Visct.
Parker, J.
Romilly, Sir J.
Salwey, Col.
Scholefield, W.
Sheil, rt. hon. R. L.
Somerville, rt. hn. Sir W.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Walmsley, Sir J.
Williams, J.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.
Hill, Lord M.
Hayter, W. G.

MEDICAL PROFESSION.

MR. WYLD, in moving for leave to bring in a Bill to incorporate the general practitioners of surgery, medicine, and midwifery, said, it would not be necessary for him to detain the House more than a few moments, as he was happy to state that he had obtained the assent of the right hon. Baronet the Home Secretary to the introduction of his Bill. The general practitioners of this country—a most useful set of men—were placed in an anomalous position, in consequence of their being obliged to undergo an examination, and to take out a diploma from the College of Surgeons and the Company of the Apothecaries' Hall, without being enabled to participate in any benefits derivable from those institutions. The object of the Bill was to incorporate general practitioners into a corporation, with powers to examine in medicine, surgery, and midwifery those who were anxious to pursue the general practice of the medical profession. He thought the House would agree with him that this useful class of men, whose services were so generally required by the majority of the population of this country, should have a higher *status*, and occupy a more defined position, in society than they now held. He would simply lay the Bill on the table, but would take no further steps in regard to it until next Session.

Colonel THOMPSON seconded the Motion.

Leave given.

Bill ordered to be brought in by Mr. Wyld and Colonel Thompson.

THE IONIAN ISLANDS.

Mr. HUME then rose, in pursuance to notice, to call the attention of the House to the causes of the late riots and proclamation of martial law in Cephalonia, and proceedings thereupon; and into the grievances of the inhabitants of the Ionian Islands. He should not occupy more time than was actually necessary to state his views on the subject. Various causes had prevented him from introducing the subject at an earlier period of the Session, and he was now forced to bring it forward at a period when the House was almost dissolved and dissipated by heat. The House had become in reality a Select Committee. Having visited these islands in 1839, and having since that period taken great interest in their welfare, he felt very strongly how much they had been neglected. He wel recollected the proclamation in which His Britannic Majesty declared to the inhabitants, through the Chief Commissioner, his deep interest in the welfare of his subjects, and intimated that such measures would be adopted as would promote the prosperity of commerce and agriculture, and extend the blessings of freedom. In 1814, the inhabitants were told that they should enjoy the blessings of their own free constitution until a better one could be adopted. Notwithstanding these promises, they were assured in the official papers which had been laid on the table during the present Session, that the inhabitants were semi-barbarous; that declaration being made by the Lord High Commissioner as an excuse for the very severe measures which he had adopted. He did not know that he had ever risen to address the House with more regret than on the present occasion. He had to complain of the measures of one with whom he had long been associated in that House, and whom he had there always regarded as the friend of civil and religious liberty. There was something in the possession of power which seemed entirely to change men. They often heard of public men going from one side to the other, in order to put on the livery of office; but the extraordinary change which took place in those who were entrusted with power was really an enigma which he could not explain. He could most sincerely declare, that when the present Lord High Commissioner was appointed, he considered the appointment one of the best that the Government had made; but he was sorry to confess that in every respect he had been disappointed; and he deeply regretted to find that a man who had been the idol of a large, public-spirited, and liberal constituency, and whose public and private conduct had promoted the cause of civil and religious liberty, should have undergone such an extraordinary change within a few months after his arrival in these islands. He did not intend to read at any length the official documents. He should introduce one or two extracts from native newspapers to show what was the opinion entertained in such quarters with respect to these proceedings. He had first to complain of the abolition of constitutional, and of the establishment of martial, law, without any necessity whatever. Secondly, he had to urge the duty of taking measures to fulfil the expectations of the inhabitants. The hopes of the Ionians had been disappointed through improper appointments, through the misconduct of the Colonial Office, and through neglect; and he believed that, could they have anticipated that such would be the result of thirty-two years' superintendence by the British Government, there was not a man amongst them who would not have preferred the Government of the Turk or the Russian to that of the English. Although that was a severe reflection, it was still a just one, as was evident from the testimony of the Lord High Commissioner himself. For seven or eight years he (Mr. Hume) battled against the acts of Sir

Thomas Maitland; but those acts were light in comparison with what had been done recently. What were the circumstances of the case? In September, 1848, there was a disturbance, which led to an amnesty being proclaimed by Sir. H. Ward, who promised his assistance towards creating peace and maintaining contentment. From a despatch which he held in his hand it appeared that in August, 1849, one of the chiefs of the island of Cephalonia was burned in his house along with four of his servants. It was not quite clear whether or not this chief was shot, but his house was burnt, and he himself consumed in the flames. The evils complained of should have been put down; but by whom had they been committed? By robbers, as Sir Henry Ward himself stated in his despatch. He stated that upon the morning of the 30th of August, 1849, having received intelligence of an outbreak in Cephalonia, instead of directing the police immediately to take measures to arrest the parties implicated, he determined by eleven o'clock to proclaim martial law at once. He did so without using the other powers he possessed, and without further information as to the extent to which the disturbances existed. That appeared distinctly in the second page of the despatch. It then proceeded to inform the noble Lord at the head of the Colonial Office that in consequence of certain reports then circulated, the Lord High Commissioner had done all he could to ascertain how far the disposition to outbreak had extended, and he had soon seen reason to apprehend great danger. Now he (Mr. Hume) asked what reason there could have been for apprehending any danger? The greatest number of the disaffected did not exceed 200 or 300 at any time, and the officers reported that those men were armed with knives. Captain King and Colonel Trolloppe stated that very few of them had guns, and they must have been very bad ones, for after the exposure of the British troops for three hours, there was only one man wounded, a sergeant, who was shot in the jaw. There appeared in Sir Henry Ward's account of the matter a great deal of contradiction, and certainly much candour, for he had exposed his own cause, and showed clearly how completely he had been mistaken. There might have been some panic or alarm, but he had all the time a large and sufficient force at his command. What was now complained of by him (Mr. Hume) was, that without having ascertained whether the movement was general or local, Sir Henry Ward had proclaimed martial law, and informed the noble Earl the Secretary of State for the Colonies that he had done so under the powers granted to him by the Ionian laws. No such powers had been granted to him. They all knew what martial law meant, and what its effects were. The proclamation of martial law operated as a suspension of the constitution, and abolished all constitutional law while it continued in force. It appeared to him to have been most monstrous to have suspended the constitution in those islands upon such trivial grounds as Sir Henry Ward had done; and he unhesitatingly pronounced his opinion that there existed no sufficient grounds for doing so—for substituting the mere will of the Lord High Commissioner for the constitution of the country. It was an outrage upon the people, and totally unjustifiable. He was not prepared to say that the troops had not conducted themselves with great propriety; but the persons who gave orders for the arrests and executions were responsible. It appeared by Sir Henry Ward's own statements that there was no necessity whatever for the course he had taken, and that he was altogether under a misapprehension in supposing that the police and military forces could not have easily arrested the robbers and settled the peace of the country if they were allowed to do so. After the Lord High Commissioner became aware there were only a few robbers to be arrested, he continued martial law, and suspended the constitutional laws from the 30th of August until the 24th of October following. Admiral Parker was sent for, and arrived in the Ionian Islands with his line-of-battle ships, and yet while they surrounded the islands martial law was continued. In fact, it appeared to him that Sir Henry Ward had placed himself in such a position as would justify inquiry as to whether he should be continued in power, and be again enabled to exercise such arbitrary authority. It appeared throughout the despatches that there was a great dread of secret societies in those islands; but, be this as it might, he lamented that the understanding of Sir Henry Ward had been so biassed that he had been led to act with unusual precipitancy. In his letter of the 1st of September, Sir Henry Ward stated that Colonel Trolloppe had 900 men under his command. Would not such a force have been sufficient to check the tumult?

He trusted the House would agree with his Motion for an inquiry into the subject. It appeared he had an effective military force, together with Admiral Parker's fleet, and no real apprehensions of danger could therefore exist. There was no excuse whatever for placing the islands under martial law—it was a grievous offence, and an inquiry into it should take place. He, therefore, hoped the House would agree to the Motion he had to propose. He brought it forward for the consideration of the House, because he wanted to see peace established, and the principles of the British constitution carried out by the representatives of this country. As to the letters referred to in the despatch, they were worthless as evidence in favour of the Lord High Commissioner—the writers of them of course obeyed every nod of his, and they wrote anything he suggested. However, he had been compelled to prorogue the assembly since then, which was rather indicative of the opinions entertained on the subject. The atrocities, the executions, floggings, and burning of houses, which took place during the continuance of martial law, was enough to mortify any man. It appeared there were sixty-five individuals tried by court-martial. Forty-four were sentenced to death, twenty-one were executed, seven were imprisoned, eleven were subjected to corporal punishment, and the remainder were acquitted. All the trials were under martial law, for at the time there was no other law according to which they could take place. There were altogether no less than ninety-six instances of flogging; and he might say to those uninformed of the fact, that that form of punishment had never been practised in the Ionian Islands; it was considered brutal and abhorrent to the feelings and opinions of the Ionians. The only persons ever subjected to it there were seamen in the British service, and no punishment more humiliating could be inflicted. Many lives had been lost, and yet the Government had instituted no inquiry. Was it to be said that whatever the Lord High Commissioner thought proper to do in these islands—to hang, shoot, and flog as he pleased—there should be no inquiry into his conduct? He (Mr. Hume) was really ashamed to say that the communications of the Secretary of State for the Colonies upon the subject, showed the most perfect indifference. Martial law had been proclaimed in the islands for twenty-one days, before any intimation of the fact was made to the noble Earl; five letters were subsequently written; and his Lordship's answer was not received by Sir Henry Ward until the month of October. It seemed that the course pursued had, he (Mr. Hume) was sorry to say, been approved of; and he therefore asked, on behalf of the British public and the Ionian people, whether any inquiry had taken place into the occurrences, or whether any was to take place? He wished the Government would answer that question. He had stated sufficient to lay the ground for an inquiry, and he thought it ought not to be refused. He wanted a commission to be appointed to proceed to the Ionian Islands to investigate the whole matter, and report the evidence respecting it. Such an inquiry was demanded, and it was a privilege which the Ionian people should not be denied. He should not enter for one moment into the details contained in the voluminous accounts of those matters which had already reached this country. They were indebted to the *Daily News* for the publication of a great many of them, and they were well deserving of the serious attention of Parliament. They had had an inquiry into the state of Ceylon under similar circumstances, which occurred there—a commission was also demanded to examine witnesses in Ceylon; but, after waiting with patience for a long time, he regretted to say no commission was issued, and the Committee had not as yet prepared their report. His opinion was, that the best, and indeed the only, means for the proper investigation of the complaints of the Ionians against Sir Henry Ward, was by appointing two or three men fit and qualified to be sent out to those islands to take the evidence on the spot, and ascertain the real facts. The people of these islands were not barbarians, as they were described to be—they were eminent for civilisation, to his own knowledge, thirty years ago. He believed a commission was the only means whereby an inquiry could be effectively carried out to the satisfaction of the House or the public. He, therefore, prayed that an inquiry might be made into the causes of the late riots and proclamation of martial law in Cephalonia, and into the grievances of the inhabitants of the Ionian islands generally. He had presented petitions to the House from persons who complained of their houses having been entered, and their goods seized, under the authority of the police. Surely it was a matter of importance that such grave matters as these should be inquired into. The power of exercising that dreadful scourge, martial law — he wished heartily they could get rid of it—was a remnant of barbarity in the British constitution, and a reflection on the country. It ought to be got rid of; and when abused, especially as it had been in the Ionian Islands, the parties aggrieved were entitled to a strict and searching inquiry.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, praying that Her Majesty will be pleased to direct that an inquiry be made into the causes of the late Riots and proclamation of Martial Law in Cephalonia, and proceedings thereupon; and into the grievances of the inhabitants of the Ionian Islands."

LORD NUGENT seconded the Motion. He said, in all sincerity he would gladly have given a silent vote, and much more gladly no vote at all on this sad question, and that for many reasons. But, placed as he was, he should consider he was guilty of an act of baseness if, in the face of the transactions which had taken place in the Ionian Islands, and which he believed were still going on there, he should shrink from supporting the Motion of his hon. Friend the Member for Montrose. It was within his (Lord Nugent's) knowledge that portions of the evidence, and not unimportant portions, affecting this sad question, had been suppressed and kept back by the Government. He contended that this question had been most grossly misrepresented in the despatches; and the people in those islands, many of whom were his own countrymen, dealt with unfairly, cruelly, and illegally. If injustice had been done to that people, he wished that that injustice, so far as it could be reparable, should be repaired; and he sincerely asked that justice should be done even to the character of the person representing this country in the Ionian Islands. If that person could come out blameless from the inquiry, no man would more sincerely rejoice at that result than he (Lord Nugent). No one rejoiced more than he at that Gentleman's appointment, because he (Lord Nugent) believed that he was a person who would fill the office of Lord High Commissioner with discretion, humanity, and justice; but from all that had come to his (Lord Nugent's) knowledge—from things which he knew had improperly, as he thought, been kept back and suppressed by the Government—he did think there was an *à priori* case of so much want of firmness and want of discretion, and—what that often led to—so much injustice, cruelty, and violence in that Gentleman's proceedings, that he (Lord Nugent) must support any inquiry which would throw light on those proceedings. He begged to call the attention of the House to a passage in one of Sir Henry Ward's despatches, dated September 7, 1849. In that despatch he used these words:—

> "I am perfectly aware that I run the risk of being denounced as a persecutor and a tyrant for taking these steps, but I have no choice; I have to deal with semi-barbarians, as recent events have proved, and I must treat them as such."

Now he (Lord Nugent) wished to divide this inquiry into three parts. He would first inquire into the grounds on which the Lord High Commissioner felt himself justified in believing that there was an extensive and organised conspiracy in the Ionian Islands. He (Lord Nugent) would take the despatch dated the 6th of October, 1849, by Sir Henry Ward, to Earl Grey, in which he found the following passage:—

> "1. I received, on the 30th September, a visit from a person, who, after insisting upon seeing me in private, acquainted me with many mysterious precautions; that he was an officer of high standing in two secret societies established at Corfu, and having extensive relations with Italy and Athens. 2. Having expressed some doubts as to the accuracy of his statement, and some curiosity as to his object in making it, he offered to satisfy me as to the first by bringing me his diploma as lieutenant general in the Universal Brotherhood (*La Fratellanza Universelle*), if I would give him 30*l.* to take it out of the hands of a friend, who had advanced the money in the first instance, retaining the papers as a security; and with regard to the second, he admitted that he was wretchedly poor, that he saw no prospect at present of succeeding in any of their schemes, and hoped that the Government would treat him liberally if his information proved to be valuable. * * * 3. I thought that it would be wrong to lose so good an opportunity of learning many things which it was desirable to know, but difficult to get at. I gave my informant, therefore, the 30*l.*, and the promise of subsequent recompense, and he in return brought me, two hours afterwards, his diploma and the oath of his society, only stipulating that they should be returned to him, and be found upon his person in proper form by the police, should the Government think it necessary to order any arrests, in which case he must be dealt with in precisely the same manner as the parties whom he accused. He also gave me the names of several Italian refugees, who, by a gross abuse of the hospitality accorded to them, had joined the society immediately after their arrival in Corfu; and of two Corfiots, Signori Calogerà and Dr. Quartano; and one Cephaloniot, Dr. Valiano, whom he

stated to be with himself at the head of the whole fraternity, and in whose houses he conceived that papers of importance would be found, although after the breaking out of the Cephalonian insurrection, of which the society was apprised a week before it happened, and the unfavourable turn taken by events in that island, many documents had been made away with, and much pains taken to conceal those that remained."

He (Lord Nugent) would ask what possible security could there be for the truth of the story told by that *pseudo* lieutenant-general? But he would go further, and say that a discreet Government would have shrank from employing such means for obtaining such evidence. In the extract he had quoted, the House would observe there was an hiatus filled up with black stars. What did the House imagine was the reason for that hiatus? Probably they would imagine the blank was occasioned by a desire to omit the name of the informer, or the names of certain persons denounced, whom it would be wrong to bring before the public. No such thing. He knew what the passage was which had been omitted. He had seen it, and would state it. It was as follows:—

> "I found him so frank a traitor, and so utterly regardless of the obligation of an oath, that I thought it would be wrong to lose so good an opportunity of learning so many things that it was necessary to know."

It was upon the information of this person —he would not call him a miscreant—he would only make use of the appellation employed by Sir Henry Ward himself—it was upon the information of this frank traitor, who was altogether regardless of an oath, that Sir Henry Ward proceeded to make domicile visits to the houses of several respectable citizens, in search of treasonable correspondence.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter after Nine o'clock.

HOUSE OF LORDS,

Wednesday, July 24, 1850.

Their Lordships met, and having gone through the business on the Paper, House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, July 24, 1850.

MINUTES.] PUBLIC BILLS.—1^a Excise Sugar Licences.

2^a Compound Householders; Sunday Trading Prevention; Debtors and Creditors (Ireland); Coroners' Fees Abolition; Navy Pay.

3^a Manchester Bonding; Highway Rates; Borough Gaols; Turnpike Acts Continuance, &c.

THE SEWERS' COMMISSION—MR. FRANK FORSTER.

VISCOUNT DUNCAN begged, with the permission of the House, to make a statement relative to a matter affecting the privileges of the House. It would be in the recollection of the House that not very long ago he directed the attention of the noble Lord the Chief Commissioner of Sewers to the fact that the signature to a certain return with respect to the Victoria-street sewers was "Francis Foster," while he was told the name of the individual was "Frank Forster." His observations had been made the subject of comment in the Court of Sewers; and Mr. Forster stated that—

> "The manuscript of the Sessional Paper referred to was not signed 'Francis' Foster, but 'Frank Forster,' and that the signature is mine; and I have further to add, that for the last twelve or thirteen years I have never signed my name otherwise than as Frank Forster. I never in my life wrote my surname as Foster. Previously to that (twelve or thirteen years ago) I signed my Christian name as Frans, Francis, or Frank, indifferently, being always called and known as Frank, and by all my relations, and many others, addressed so by letter."

A doubt having been thrown on the signature attached to the return, he (Viscount Duncan) had thought it his duty to put himself in communication with Messrs. Hansard, whose correctness in printing was well known to hon. Members. He wrote to Messrs. Hansard as follows:—

> "15, Hill-street, July 16, 1850.
>
> "Dear Sir—I beg to enclose a return to the House of Commons (Victoria-street sewer), Sessional Paper 481. I have been informed by Lord Ebrington that the signature which I have underlined, Francis Foster, is a misprint for Frank Forster. Will you have the kindness to compare the signature with the original, and let me know whether it is a typographical error, and whether the signature is Frank or Francis.—I remain yours faithfully, "DUNCAN.
>
> "Mr. Whiteman, Messrs. Hansard's,
> Old Turnstile, Lincoln-inn Fields."

The following was the reply:—

> "House of Commons Printing-office.
>
> "My Lord—I beg respectfully to acknowledge your letter of to-day, and am directed by Mr. Hansard to inform you that the name 'Francis

Foster' referred to is correctly printed from the manuscript.—I have the honour to be your obedient servant (*pro* Mr. Henry Hansard),
"Viscount Duncan." "G. Whiteman.

Under these circumstances he thought he was perfectly justified in making the statement he had made on a former occasion.

MILITARY KNIGHTS OF WINDSOR.

Colonel SALWEY said, it was not without great reluctance that he rose to postpone the Motion for a Select Committee to inquire into the case and claims of the Military Knights of Windsor till the next Session of Parliament. He had waited long and anxiously, week after week, and night after night, in the earnest hope and expectation that he should have an opportunity of introducing this subject to the House; but his intentions had been frustrated by those events and adverse circumstances over which an independent Member of that House had no control. It must be obvious to every hon. Member, that were he to move for a Select Committee at this late period of the Session, the Committee would no sooner be nominated than Parliament would be prorogued. Under these circumstances he thought that he should best consult the interests of the Military Knights by postponing the notice till the next Session. The question was one deeply affecting the interests of every man, of every rank, and every grade in the British Army—deeply affecting the interests of the taxpayers of this country, and of vital importance to those meritorious, gallant, and aged soldiers, who had spent their youth, wasted their health, and shed their best blood in the service of their country. He pledged himself to bring forward the whole of this case at the earliest possible period of the next Session, and could only reiterate his regret that the adverse circumstances to which he had before referred, should have precluded him from carrying his intentions into effect.

POOR RELIEF (CITIES AND TOWNS) BILL.

Order for Second Reading read.

Mr. S. ADAIR begged to move the Second Reading of the Poor Relief (Cities and Towns) Bill. Its object was to render more equitable the distribution of the charge for relief of the poor in the case of cities and towns comprising several parishes. It was proposed that the majority of the guardians of any union comprising a city or town of more than one parish, with a population of more than 20,000 persons, should have power to adopt a resolution directing that all the costs and charges for the relief of the poor should be paid out of a common fund, to be raised by a common rate, and that such resolution should come into operation when approved by the Poor Law Commissioners. A measure having the same object had been introduced in 1848; and the distinction between it and the present Bill was, that under the one the Commissioners were to effect the combinations *ex proprio motu*, whereas the guardians would themselves originate the proceedings under the other.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. ELLIS seconded the Motion. He did not think, however, that the measure could be carried further this Session, but he hoped that the subject would be taken up by the Government early next Session, with a view to the general settlement of what was really a very important matter for legislation.

Mr. T. EGERTON thought the Government ought to take up the subject; but he recommended the withdrawal of the Bill now, otherwise he should feel obliged to move that it be read a third time that day three months.

Mr. BAINES said, that while the preamble was confined to the case of cities and towns, the enacting part of the Bill applied to the guardians of any union comprising a city or town, so that a union consisting of a great number of agricultural parishes, but comprising a city or town, would come under its operation. The whole question of union rating would be opened, which, bound up as it was with the question of settlement, offered far too extensive a subject for discussion at this period of the Session. A Committee of the Lords had been considering the whole subject of rating. He had not had any opportunity of seeing their report, but the evidence taken before that Committee ought to be fully weighed. He hoped the hon. Member for Cambridge would not press the second reading of the Bill.

Mr. Alderman SIDNEY wished to call the attention of the House to the severity with which the existing law pressed on landowners and small farmers. As an illustration of the inequality of the present mode of levying the tax, he might instance that there were 24 parishes paying at the rate of $\frac{1}{4}d.$ in the pound, 38 paying $\frac{1}{2}d.$ in the pound, and 30 paying ¾*d.* in the pound, 8,093 paying between ¼*d.* and 1*s.* 6*d.*, and 6,227 from 1*s.* 6*d.* to 14*s.* In the different unions in the city of London, the disparity was equally startling and unjust. It was stated in the report of the Commissioners appointed to inquire into the law of the chargeability of the poor and the law of settlement, that in Norfolk, Suffolk, Essex, and other counties, the labourers were compelled to walk from 25 to 30 miles per week to and from their work; and the city of Norwich had justly complained that it had to provide habitations for the labourers of many miles round. The fact was, that many landowners had altogether destroyed the cottages upon their property in order to escape the rates, and to throw them on the adjacent towns. Some parishes had, he knew, by this means reduced within the last few years their rating to the poor by one-sixth. The inequalities of the present system were much to be deprecated, and if the hon. Member for Cambridge divided, he should vote with him for the second reading.

Mr. V. SMITH said, that as this subject was intimately connected with the larger questions of settlement and rating, he expected to have heard the right hon. Gentleman the President of the Poor Law Board undertake to bring in a Bill upon those subjects in the next Session. The report of the Committee upon the law of settlement showed the existence of evils which were a disgrace to the country, yet nothing had hitherto been done to remedy them. The question of rating had also been submitted to a Committee of the other House—the evidence before which, although not yet presented, he thought would furnish the right hon. Gentleman with a valuable mass of information for his consideration during the recess. He was aware that the Poor Law Board never was so popular as at the present moment; but he trusted the right hon. Gentleman would not hesitate to risk that popularity, if necessary, by dealing with these important matters at the earliest possible period next Session.

Sir G. GREY said, that his right hon. Friend the President of the Poor Law Board had said nothing whatever against the principle of the Bill. He had only expressed a hope that the House might not not be driven to a decision upon it at the present time, and that it might be withdrawn, because the whole subject was under consideration, with a view to the introduction of a measure in the course of the next Session.

Mr. S. ADAIR said, he was satisfied with the discussion which had taken place, and he was willing to withdraw the measure.

Mr. BUCK was glad to hear that the Bill would be withdrawn, because he should have objected to it on the ground that it was calculated to carry out the principle of union rating.

Mr. T. EGERTON expressed his satisfaction at the course taken by the hon. Member for Cambridge, as an opportunity would be afforded next Session for considering the whole subject.

Motion, by leave, withdrawn.

Bill put off for three months.

COMPOUND HOUSEHOLDERS' BILL.

Order for Second Reading, read.

Sir W. CLAY, in moving the Second Reading of the Compound Householders' Bill, said that the Reform Bill conferred the franchise on those who occupied houses of 10*l.* annual value, provided they resided a certain period and had paid their rates. One of the conditions essential to the franchise was that the names of the parties should be on the rate-book. Now, there existed a class in London, and, he believed, in almost every large town in the country, who, though inhabiting houses of the value of 10*l.* and upwards—often as high as 18*l.* had not their names on the rate-book, and for this reason, that in many parishes the local Acts enabled the owners of houses to compound the rates of the tenants. The owners gained a small profit by compounding, and relieved the parishes of the difficulty of collecting the rates from many parties; but the effect was this—that the only name on the rate-book being the name of the owners of the houses—often to the extent of 20, 30, or 40 houses—the overseers had no power to return the names of the occupants to the returning officer, and thus numbers of properly qualified persons were disfranchised. This was considered for years after the passing of the Reform Bill an insuperable objection; but, according to the 30th clause of that Bill, it was held that a person might claim to be among the list of voters although his name might not be upon the rate-book. That applied only to the then existing rate, so that it was necessary that the person must renew his claim and tender for every rate; and virtually this condition had the effect of disfranchising large numbers of tenants. The object of the present measure was to put an end to the necessity of their making these incessant claims, and to provide that, having made these claims and complied with the provisions of the Reform Act, they should be on the register. Their vote could still be challenged for want of residence or nonpayment of rates; and the Bill would confer the franchise on very many deserving and properly qualified persons. The Bill, unimportant as it might appear, would affect many thousand voters throughout the country, who fulfilled, in point of fact, all the provisions of the Reform Act.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. NEWDEGATE said, this Bill was identically the same Bill which had been introduced last year, and that it stood for a second reading on the 27th of July. This year its second reading was moved on the 24th of July, and therefore a gain of three days was obtained on the present occasion as compared with last Session. The House, having heretofore considered the proposition, came to the conclusion that the machinery of the Bill was imperfect, and that it would be improper to proceed with the measure. Yet now the hon. Baronet at the fag end of the Session, called upon the House to affirm what they had refused to do at the fag end of last Session. He believed the Bill would open a door for enormous frauds, and that it would cause numbers of faggot votes to be manufactured. Lord Denman had given it as his judicial opinion that its principle, if acted upon, would foster bribery. He believed that while county voters were on the decrease, borough voters were on the increase—to the extent of 30,000 in 1849 as compared with 1848. He moved as an Amendment that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Sir G. GREY said, he had no difficulty in stating that he should vote for the second reading of the Bill; and he must remind the hon. Gentleman the Member for North Warwickshire that it was not the identical Bill which had been introduced last year. The Bill of last Session wholly dispensed with the necessity for perpetually recurring claims, but it did not make the liability to pay the rate coextensive with the right of being upon the register. The present measure, however, contained a clause requiring the payment of rates; and he must add, that it came entirely within the spirit of the Reform Act. It proposed that if the landlord paid the rates, the occupier, being liable to the landlord, and the rate being paid, should acquire the right of voting. This was a reasonable proposal; and, under those circumstances, he should support it.

Sir E. N. BUXTON had no hesitation in giving his vote in favour of the Bill, because he knew that in many districts of the metropolis, as well as elsewhere, there were many thousands of persons disfranchised under the existing system who otherwise had a perfectly good right to vote. The machinery of the Bill he did not entirely approve of; but that was a question of detail. The Bill, however, would be a great benefit to a large number of persons.

Mr. SPOONER opposed the Bill, and contended that at this late period of the Session there was not sufficient time for the consideration of a question of so much importance. To press the Bill at this period of the Session was merely to take up the time of the House in vain. He regarded the measure as dangerous, if it were not impracticable, and as likely to open a wide door to fraud. It was only a waste of time to continue the discussion of its objectionable principle.

Mr. TRELAWNY supported the Bill, and said, that if the Government did not go on and extend the suffrage, they might depend upon it they would not be allowed much longer to rule the country.

Sir H. WILLOUGHBY objected to a continuous claim, provided the tender were once made. He thought also that, under the provisions of the Bill, a number of parties might get on the register who had no right to be placed there.

Sir G. PECHELL approved of the principle of the Bill, and expressed a hope that its second reading would be carried.

Mr. NEWDEGATE explained. His objection to the Bill was mainly grounded on the fact, that he believed it would open a door to great frauds. The Bill of last year was not rejected by the House. It was withdrawn by the hon. Baronet. With respect to the late period of the Session at which the hon. Baronet now asked them to read the present Bill a second time, he (Mr. Newdegate) begged to say that had arisen from no fault of his.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 80; Noes 24: Majority 56.

List of the AYES.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anstey, T. C.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Barrington, Visct.
Bellew, R. M.
Bernal, R.
Blair, S.
Bouverie, hon. E. P.
Brown, W.
Burrell, Sir C. M.
Carter, J. B.
Clay, J.
Clements, hon. C. S.
Cobden, R.
Craig, Sir W. G.
Crawford, W. S.
Denison, E.
Duncan, Visct.
Duncan, G.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ellis, J.
Elliot, hon. J. E.
Fergus, J.
Ferguson, Sir R. A.
Forster, M.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Harris, R.
Hatchell, J.
Hayter, rt. hon. W. G.
Henry, A.
Hervey, Lord A.
Heyworth, L.
Hill, Lord M.
Hobhouse, T. B.
Hodges, T. L.
Howard, Lord E.
Jermyn, Earl
Kershaw, J.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lewis, G. C.
Maule, rt. hon. F.
O'Connor, F.
Pearson, C.
Pechell, Sir G. P.
Perfect, R.
Pilkington, J.
Pugh, D.
Ricardo, O.
Sadleir, J.
Salwey, Col.
Sidney, Ald.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hon. Sir W.
Stuart, H.
Tenison, E. K.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Verney, Sir H.
Wall, C. B.
Watkins, Col. L.
Williams, J.
Willoughby, Sir H.
Wilson, M.
Wodehouse, E.
Wrightson, W. B.

TELLERS.

Clay, Sir W.
Buxton, Sir E. N.

List of the NOES.

Arkwright, G.
Booth, Sir R. G.
Bramston, T. W.
Bremridge, H.
Broadley, H.
Buck, L. W.
Chatterton, Col.
Dickson, S.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Gore, W. R. O.
Grogan, E.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Herbert, H. A.
Jolliffe, Sir W. G. H.
Lewisham, Visct.
Lygon, hon. G.
Manners, Lord C. S.
Mundy, W.
Taylor, T. E.
Thornhill, G.

TELLERS.

Spooner, R.
Newdegate, C. N.

Main Question put, and agreed to.

Bill read 2°; committed for To-morrow.

SUNDAY TRADING PREVENTION BILL.

Order for Second Reading read.

MR. C. PEARSON, in moving the Second Reading of the Bill, stated, it had been brought from the House of Lords too late, he feared, to be passed during the present Session. The Bill had been framed after a searching inquiry before a Committee, and it resembled in its material features the Bill introduced into the House of Commons in the previous Session by the hon. Member for Ashton. That Bill had been likewise the subject of a lengthened investigation by a Committee, and was framed in conformity with the general opinion of its Members. He called upon the House, by reading the Bill a second time, merely to affirm its principle, not to adopt its details; its object was, as its title proclaimed, to prevent unnecessary trading on Sunday within the metropolitan police district. It might be said to be a measure of police, like the Bill for preventing public-house trading on Sunday till after one o'clock — a measure which was at first confined to the limits of the metropolitan police, but had been subsequently extended to other towns, on account of the benefits it was proved to have conferred upon the community where it had been tried. He hoped the present Bill would likewise prove beneficial, and would lead to the same result. The Bill was founded upon a principle which he believed no one who reflected upon the moral, mental, and physical condition of man would be disposed to controvert—that one day in seven was essential for his rest and recreation. The object of the Bill was, as far as the Legislature could rightfully interpose in such matters, to secure to him this privilege, leaving it to his own conscience, as a matter between himself and his God, how he would dispose of his time. He supposed the Bill would be ridiculed as puritanical; a very small modicum of secondhand wit, borrowed from the great satirist of the seventeenth century, would at any time suffice to raise a laugh against any object, however useful, if popularly stigmatised as canting and puritanical. It had been attempted to create a prejudice against this Bill, by representing it as intended to enforce the Sabbatarian observances of the Jewish ritual. If this had been the intention of the framers of the Bill, they had signally failed of their object, for it excepted from its operation a number of acts which were as much forbidden by the Jewish law as those which it was the real object of the Bill to repress. The real object of the Bill was, to provide, as far as legislation could accomplish it, that one day in seven should be protected from secular work—he might say from compulsory work; for it was absurd to pretend that a small shopkeeper in the crowded parts of this vast metropolis could act as a free agent in the appropriation of his Sunday, for although the law in theory forbade him to exercise his calling on that day, the law was so vague and inefficient that it left him open to the competition of the less scrupulous rival, and an humble tradesman could not obey the law without involving himself and family in ruin. Although he (Mr. Pearson) supported this Bill upon civil grounds alone, he did not undervalue the importance of Sunday as a day devoted to religious services by those whose honour and privilege it was to consecrate it to those objects. From his own numerous and important avocations he was compelled, by stern necessity, to sacrifice many of his Sundays to occupations not consistent with the views and feelings of many of his friends, whose scruples he respected and honoured. If an appeal had been made to the numerous class in this country who happily entertained those sentiments, the table of the House would have been loaded with petitions; he had, however, expressly stated the grounds on which he alone could consistently undertake the advocacy of the Bill, and petitions had been confined to small tradesmen and their shopmen, and other inhabitants, of certain districts, who, it was represented, would be prejudicially affected by the measure. It might be said, if those parties were so anxious to abstain from labour, why did they not do it without asking for Parliament to compel them? The fact was, that they had made the attempt, but found it impracticable. During the first Sunday all the shops in the streets where the attempt was made were shut; on the second Sunday, one or two reopened, in consequence of finding their customers withdrawn by rival tradesmen in the adjoining districts; and on the third Sunday they were all obliged, in self-defence, to reopen their shops, and recur to a practice they were desirous of abstaining from, because they found they not only lost the Sunday trade, but that their customers were induced to go on other days to those shops where they were accommodated on the Sundays. One of the petitioners in favour of the Bill was Mr. Groves, a well-known clothier, who stated that he drew no less than 400*l.* each Sunday at his different shops, but that he was willing to shut those shops on Sunday, and take his chance of getting his fair share of business through the week, provided that others were compelled to shut their shops likewise. Mr. Groves stated that he had a number of young men in his employment, whom, under the present system, he was compelled to deprive of the advantages of rest and recreation, as well as Divine worship, on the Sunday; and he and his family were equally deprived of them. He (Mr. Pearson) advocated the measure, because he considered that whatever tended to give the industrious class one day of rest out of the seven, would be beneficial to the community. As to the details, there were some which he was prepared to abandon, and others to modify; but the consideration of them he should postpone until the Committee on the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. BARING WALL opposed the Motion, as his hon. and learned Friend had utterly failed to make out any reason for changing a law which had existed for 200 years, and which was therefore well known to the people of this country. He had some difficulty in opposing the measure, as he believed it had come down from the House of Lords with the unanimous consent of that House; but it ought to be understood that it was founded upon the report of a Committee, the witnesses before which seemed to devote themselves to casting abuse upon the witnesses that were examined before the Commons' Committee, rather than to prove the merits of the Bill. The chief author of this Bill was a Mr. Hayman, one of the witnesses before the Lords' Committee, who put himself forward as a sort of confidential agent—a sort of unpaid solicitor of the Home Office under the late and present Administrations.

Sir J. GRAHAM: I don't recollect any such person.

Sir G. GREY: I never heard the name.

Mr. B. WALL: Well, Mr. Hayman, at all events, stated in his evidence that he had been besought at various times, by the Home Office, to prepare a measure on the subject, adding, that the only opposition to the measure was to be apprehended from Chartists and Jews. Now, the father of the Bill was the hon. Member for Ashton-under-Lyne, whose absence he was sure the House regretted. He (Mr. B. Wall) had been a Member of that House for thirty-three years, and he believed it would be admitted he had never been very mischievous or troublesome, or in the habit of offering unfair opposition to any measures. He had passed through many political phases, but he had never contemplated putting himself at the head of the Chartist body. But the father of this Bill had, on the other hand, voted for the Charter. So far, therefore, as Chartism was concerned, its influence was rather in favour of the Bill than against it. However, as the gentleman was repudiated by both the right hon. Baronets, he would not dwell further upon his evidence. He would proceed to examine the evidence tendered by the other witnesses before the Committee of the House of Lords. But he did not rely upon the evidence given either on the one side or on the other. As far as he had examined the question, he believed it to be a question between the higher and the lower classes of tradesmen; the higher orders being for shutting the shops, and the lower against it. He laid great stress, however, upon such evidence as was given by Mr. Commissioner Mayne, who deposed to the great improvement that had lately taken place in Sunday trading, and deprecated the present Bill as likely to impede the course of improvement that was still going on. With regard to the Scripture argument, he maintained that, whatever the Jewish mode of observing the Sabbath might be, the directions contained in the New Testament were so vague, and were so variously interpreted, that they could not safely be depended upon. The title of this Bill was inefficient, and its preamble was false. The title was inefficient, because he could not agree to have a law made for the metropolis which was not to apply to the whole country. He objected to the Bill as a religious Bill, because it had no religion at all. He objected to it as a social Bill, because it interfered with all the relations of social life. He objected to it as a partial Bill, because it touched some trades and exempted others. They durst not touch the licensed victuallers, because they were too powerful; but the small traders, who lived in out-of-the-way alleys, were to be dealt with without mercy. He objected particularly to the clause affecting hairdressers. Hairdressing was a sanitary requirement; and it was absurd in the last degree to allow a man to shave himself at home, while he was forbidden to shave himself at a shop. There were many other clauses of a similar kind; and, upon the whole, he never knew a more petty and vexatious instance of legislation. Upon these grounds, and from no feeling of indifference to the proper observance of the Sabbath, he could not consent to the second reading of the Bill; and he called upon the House to support him in his Motion, that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. C. ANSTEY seconded the Amendment.

Colonel THOMPSON said, as he was under no apprehension of being charged with superstitious reverence for anti-Christian error, he felt quite at liberty to vote for the second reading of the Bill, if the hon. Mover would aid in securing to the public those conveniences in it which they had a right to expect, and which, if not secured to them by law, they would take without law. The course of recent legislation on these subjects had been to do more harm than good. He would mention an instance in his own experience. He had a gardener, a respectable family man, who was in the habit of passing the Sunday at his own home; but since the new Post-office regulations, he was obliged to invite his gardener, whenever he wanted to save the Monday's morning post, to go to London to post his letters. And twenty of his neighbours were probably doing the same; and this was called a measure to diminish Sunday labour. He had a great horror of these perverse pieces of legislation. But he did not know whether he ought to conceal what the casuits would call an esoteric opinion, that this Bill was permissive rather than prohibitory, and consequently its passing would be more of a blow to the Sabbatarian heresy than its rejection; for which reason, under the proviso stated, he should support the second reading.

Mr. ALCOCK said, that, having consulted his constituents and conversed with many tradesmen on the subject, he was forced to the conclusion that this measure contained a proposition that was only reasonable, just, and fair. If Gentlemen would take the trouble to go to Lambeth on a Sunday morning, they would find more trading going on than in any day of the week, and not only in provisions, but in clothing. It was a Sunday fair and Sunday market held in different parts of

London. He did not pretend to a puritanical spirit; but he must say it was a gross injustice to the respectable tradesmen in Lambeth, and other parts where this trading was carried, on not to pass this Bill.

MR. C. ANSTEY said, he would join issue with the general statements of the hon. Gentlemen who had just addressed the House. This was not a Bill to restrain Sunday fairs; it was not a Bill to carry out the principle of the Bill which had already received the Royal Assent, and which was intended to put down fairs, which used to be held for the purpose of hiring servants, but had become mere idle gatherings. By this Bill persons were prohibited from selling on a Sunday. This applied to the poor, but it did not apply to the higher classes—those who were called upon by their tradesmen. There was a clause which provided that any meat, fish, poultry, or game might be left at houses before 9 o'clock in the morning. It was impossible to misunderstand the meaning of this distinction. It was a distinction between the rich and the poor. Go further, where was the clause for shutting up clubs on a Sunday, and where was the clause that forbid servile work? There was a clause exempting servants from the operation of the Act. Only that he did not like to do evil that good might come, he would follow the example of the hon. and gallant Member for Bradford, and vote for the Bill, in order that the evil effects of it might be seen, and that these evil effects might have a tendency to put this matter in its true light. If there were any reasons which would induce him to come to a different conclusion, it would be the hope that if the Bill passed the result would be a reaction of the common sense of the country, so well founded and so strong as to sweep away every vestige, not only of this absurd Bill, but of all other idle and impertinent measures of Sunday legislation. Believing, however, that now was the time for making a stand against the present Sabbatarian movement — a movement which was begun in hypocrisy, and was now carried on by the power of fraud and ignorance—he would vote against the second reading of the Bill.

LORD D. STUART said, that notwithstanding the observations which had been made by the hon. and learned Gentleman, in a somewhat vehement tone, against this Bill, he hoped the House would give its assent to the second reading. He did not pledge himself to the approval of every clause in the Bill, but he thought the House ought at least to afford an opportunity for the discussion of the details in Committee. He wished to advocate the Bill, not upon religious grounds, but solely upon civil, and what where called social, considerations. The measure was one which he believed would be exceedingly acceptable to many of the inhabitants of the metropolis. Its object was to free people from the necessity now imposed upon them of working on Sundays as well as on other days, and to allow them the Sabbath to devote to religious duties, or to the enjoyment of that recreation of which they were now deprived. He greatly regretted that the House had adopted a resolution which had led to the closing of all post-offices on the Sunday, because he regarded that as an interference with necessary duties; but this Bill was only intended to regulate Sunday trading, and to prevent persons from transacting business that was altogether unnecessary. With regard to the amount of labour performed in the metropolis on the Sunday, he could state that in many parts of the borough he had the honour to represent, as much trading was carried on during the hours of divine service on Sunday, as they could see in any part of London on any week day. Believing that this measure would have a tendency to promote the comfort and moral improvement of the people, and particularly of the working classes, he would give his vote for the second reading of the Bill.

MR. G. THOMPSON said, that as the representative of a large metropolitan district, he thought it right that the metropolitan Members should, as far as possible, put the Government and the House in possession of the feelings of their constituents with reference to this question. He should be one of the last that would wish to interfere with the enjoyment of Christian liberty; but looking at this measure as affecting solely the civil and social condition of the people, and as in no degree infringing that liberty which every man had a right to enjoy under a Government like our own, he was decidedly in favour of it, and the more so, because for the last two years he had been in communication with persons in the Tower Hamlets on this very subject. He should make no observations on the details of the Bill; his remarks would apply solely to the principle of the Bill. It was a Bill for the prevention of unnecessary trading in this metropolis. It could not be denied that there was a vast amount of unnecessary trading in London on the Sunday. Owing to the circumstance of shops being left open on the Sunday, persons of dissolute habits resorted at all hours of the day to these shops, to procure those articles which might with ease be obtained on the Saturday night, or at all events before ten on the Sunday morning. The evils that were connected with Sunday trading were innumerable. He did not hesitate to say that he could direct the attention of Members of that House to a hundred localities within the Tower Hamlets, which were nothing more nor less than nuisances on the Sunday, and not at any particular hour, but at all hours. Now this Bill would allow all purchases that were necessary to be made. It would allow purchases that were not absolutely necessary to be made before nine, and in other cases till ten, while certain trades were allowed to be carried on the whole of Sunday. He believed that the tradesmen of the metropolis were on the whole in favour of this measure. He believed there were many hundreds who would willingly, if they could, close their shops on the Sunday, or, at all events, at an early hour in the morning, so that they might at any rate attend divine worship. But what was the fact? Many shopkeepers actually took more money during a few hours of the Sunday than in the whole of the week besides; and if the shopkeeper were to close on the Sunday, he would lose half his profits. Then, again, he asked them to pass this Bill on behalf of the working classes themselves. It would tend to prevent a great imposition on them. He had it on the authority of metropolitan tradesmen that they could charge a halfpenny or a penny a pound more on the Sunday than they could on any other day, and the worst articles were reserved for Sundays. These were the views that he entertained of this Bill: he did not pledge himself to all the details of the Bill. He wished to allow to all the greatest amount of religious liberty; but he thought they were called upon to carry such a measure as this, both for the sake of the tradesmen on the one hand, and the working classes on the other.

Mr. HAWES said, he had had the honour of representing Lambeth for many years, and he believed that the great majority of all classes were in favour of a measure which would place some restriction upon Sunday trading. He was far from saying that all were agreed, but he was perfectly sure that the shopkeepers generally were in favour of putting some restriction, and a considerable restriction, on Sunday trading. This Sunday trading began by opening shops early in the morning. Competition drove them on to later hours; and actually up to one or two o'clock in the day he had seen ordinary articles of trade sold on the Sunday. At that time he took the pains to ascertain not only what were the opinions of all classes in Lambeth on the subject, but what were the opinions of other boroughs in the metropolis. There was a very large meeting, and all the metropolitan parishes sent delegates to it, and a deputation proceeded from that meeting to the Home Office. He saw opposite the right hon. Baronet who was at that time the Secretary for the Home Department, and he at least would say that generally in the metropolis there was an opinion in favour of restriction. He was not for an extreme restriction, but they were not now speaking of the details of the Bill. He believed that, after a certain hour certainly, it was the wish of the trading class that all trading on the Sunday should be put an end to. He could not commit himself to the details of the Bill, but he believed that such a Bill was desired by the tradesmen of London generally, and would be acceptable to all classes.

Mr. W. J. FOX said, he perfectly coincided in the opinions generally expressed in this discussion, that in a social, economical, and even in a physical point of view, the blessing of one day of rest from toil and care was most inestimable. He would cheerfully support a measure tending to secure that object; but he thought it was not an object to be attained, or even to be promoted by a Bill like that before the House. In order to introduce wholesome legislation on such a subject, it would be necessary to look upon society in all its gradations—to consider the relative importance of different modes of procedure to secure the comfort and well-being of the people—to see how the greatest benefit could be secured at the smallest sacrifice. In the very complicated state of society in which we lived, an entire abstinence from business and from trade on the Sunday, was a matter of impossibility. They could only approximate, and that approximation was not to be obtained by a particular operation on some particular class, in some particular locality. They ran the risk in so doing of retarding instead of advancing the progress and general enjoyment of society. Now, the Bill before the House was not a Bill to secure to the great mass of society the enjoyment of the seventh day. It was a Lambeth shopkeepers' Bill, directed against oranges and apples. This was really the character of the Bill. Principle in it there was none, neither religious nor social, nor was there a clause in it but what was marked with the grossest absurdity. They might purchase Dickens, but they could not purchase a Bible or a Prayer-book. They might purchase a stamped newspaper or other publication, but they could not purchase the same publication not stamped. A general investigation ought to precede any measure for endeavouring to secure to all persons their day of rest. Without such an investigation these partial measures ought not to be entertained. This Bill prevented Jews from trading on the Sunday. They observed their own Sabbath, and were compelled to observe ours also. He thought that the Christian shopkeeper might set off his closing of his shop on the Sunday, to the Jew's closing his on the Saturday. This doctrine of close Sabbatarian observance was not the doctrine of Luther and Calvin and the early reformers, nor until lately was it the doctrine of the Church of England. He thought that those who held extreme opinions on the subject were entitled to have every privilege that conscience could fairly claim. He had very little respect indeed for that tenderness of conscience which chiefly showed itself in endeavouring to impose our own principles and practices on our neighbours, making them the test of religion, and invoking the aid of legislation for their enforcement. He could not support any measure of this kind unless it was impartial. The very spirit of the Jewish command was, "Thou shalt do no work;" and domestic service especially was the object of that peremptory prohibition—a prohibition extending to cattle as well as to human servants. And when he saw Sabbatarians coming forward and complying with these requirements strictly, he should feel some respect for their efforts as honourable and conscientious, if they never employed their own groom, coachman, or horses, or even their cooks and household servants, upon the day the observance of which they were anxious to enforce. Nor should he be disposed to look favourably on a measure of this sort, till he saw the day of rest treated in a more liberal spirit with regard to the great multitude of the toiling classes. They wished to make it a day of rest. Rest was not the mere, unintelligent cessation from trade or labour; nor could it be satisfied in all by their attendance at church or chapel, whether they were to remain awake or to sleep when there. Rest, to make it deserve the name to intelligent beings, should have in it somewhat of activity, and, combined with restrictive enactments, there should always be facilities for allowing the multitude the means of recruiting their exhausted frames and minds. If they wished to take better fare on that day, the parish baker was the poor man's cook; and let the one work for the many, as in the rich man's house the many worked for the one or the few. The omnibus, the steam-carriage—these were the poor man's coach; let him have as free use of these conveniences as his betters had of the carriages they kept for their own purposes. Whoever would think of debarring a man of station from going into his own library on a Sunday? Who would ever dream of such an interposition? The cheap reading-room was the poor man's library. Let him have as free access to it as the other had to his own study. The rich man looked at his paintings and statues. Let the poor man enjoy a similar privilege with regard to the works of art, and let him have a kind of resting-place between the high spiritualism of devotion, and the low animalism of dissipation. If restrictive measures were passed, something of this kind should be done, otherwise the people would be rendered either drones and hypocrites, or be buried in dissipation. For these reasons he should oppose the second reading of the Bill, hoping to see legislation based on a wider and a better principle.

SIR J. GRAHAM could not think that the decent observance of the Christian Sabbath in this metropolis was a petty or unworthy object. Though there were several of the statements of the hon. Member for Oldham with which he was not prepared to quarrel, he had come to an exactly opposite conclusion from that hon. Member, and he should go into Committee, not for the purpose of damaging the Bill, but, if possible, improving it, amending its faults, and supplying its deficiencies. The hon. Member had stated the great principle sought to be established, and had pointed out the difficulties of legislation upon the subject. He (Sir J. Graham) agreed that it was not desirable to enforce a gloomy, ascetic observance of the Christian Sabbath; he thought all rational amusements ought to be tolerated on that day. The difficulty of the subject was very great. It was brought much under his consideration when he was Secretary of State, and he had the honour of receiving at the Home Office a very large body of the tradesmen of the metropolis, accompanied by several of the metropolitan representatives. Of course, his own feelings would lead him to regard the subject not altogether apart from religious considerations; but as a legislator he was disposed to look at it more as a social question. Many of the tradesmen felt that they were placed in an unjust competition with those who did not cease from business on a Sunday. The hon. Member had described this as an attack upon orange women and apple stalls: was that a fair representation, considering such a case as had been mentioned, where a person who dealt in clothing—not apples or oranges—sold to the amount of about 400*l.* on a Sunday? This was a person who had no scruples in reference to the observance of Sunday; but he came in most unfair competition with other clothes dealers, who were placed in this disadvantageous position, that either they must keep their shops open, and not have the day of rest, or sustain a damage which the profits of trade would not bear. He looked at legislation of this description very jealously; he found it so difficult that he declined on his official responsibility to introduce such a measure. The question was, whether he should reject this Bill, which had come down from the House of Lords? and, upon the whole, he agreed with the hon. and gallant Member for Bradford, that it was the nearest approximation to a reasonable measure of legislation upon the subject which he had seen, and he could not make up his mind to vote against the second reading.

Mr. AGLIONBY said, he should oppose the Bill, though agreeing in most of the remarks of the right hon. Baronet who had just resumed his seat. He had hoped that this discussion would have steered clear of any allusion to Sabbatarian principles or parties. He was disposed to support any measure which would prevent unnecessary trading on the Sunday; but this was a partial and limited measure, referring only to the metropolitan district. It ought to be a general measure, emanating from the Home Office. This was the crude Bill of an independent Member; he never met with one more inconsistent in its details; for instance, fish could only be bought at certain hours, but tobacco might be purchased all day. He trusted the matter would have the attention of the Government, for no doubt an amount of trading was carried on on the Sunday which it was quite shocking to contemplate.

Mr. PEARSON stated that he should reserve any remarks he had to make in reply till the Bill went into Committee.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 101; Noes 22: Majority 79.

List of the AYES.

Adair, R. A. S.
Arkwright, G.
Benbow, J.
Blair, S.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Brockman, E. D.
Brotherton, J.
Brown, W.
Buxton, Sir E. N.
Cardwell, E.
Childers, J. W.
Clive, hon. R. H.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Cowper, hon. W. F.
Denison, E.
Dickson, S.
Dodd, G.
Duncan, G.
Duncuft, J.
East, Sir J. B.
Edwards, H.
Ellis, J.
Ferguson, Sir R. A.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Goddard, A. L.
Gore, W. R. O.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Gwyn, H.
Hall, Sir B.
Halsey, T. P.
Hamilton, G. A.
Harris, R.
Hastie, A.
Hawes, B.
Henley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Kershaw, J.
Lacy, H. C.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Mandeville Visct.
Manners, Lord C. S.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Morris, D.
Mundy, W.
Naas, Lord
Nicholl, rt. hon. J.
O'Brien, Sir L.
O'Connor, F.
Patten, J. W.
Perfect, R.
Plowden, W. H. C.
Portal, M.
Prime, R.
Ricardo, O.
Robartes, T. J. A.
Simeon, J.
Smith, J. A.
Smyth, J. G.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stuart, Lord D.
Stuart, H.
Thompson, Col.
Thompson, G.
Thornhill, G.
Townley, R. G.
Trevor, hon. G. R.
Trollope, Sir J.
Vane, Lord H.
Verney, Sir H.
Vesey, hon. T.
Walmsley, Sir J.
Watkins, Col. L.
Willoughby, Sir H.
Wodehouse, E.
Wyvill, M.

TELLERS.

Pearson, C.
Alcock, T.

List of the NOES.

Aglionby, H. A.
Armstrong, Sir A.
Bass, M. T.
Berkeley, hon. H. F.
Crawford, W. S.
Fox, W. J.
Heywood, J.
Heyworth, L.
Lennard, T. B.
Locke, J.
Mackinnon, W. A.
Ogle, S. C. H.
Pilkington, J.
Romilly, Col.
Scholefield, W.
Spearman, H. J.
Tenison, E. K.
Thornely, T.
Wakley, T.
Wawn, J. T.
Willcox, B. M.

TELLERS.

Wall, C. B.
Anstey, T. C.

Main Question put, and agreed to.

Bill read 2°, and committed for Wednesday next.

COPYHOLDS ENFRANCHISEMENTS BILL.

Order for Committee read.

House in Committee; Mr. Bernal in the chair.

MR. FREWEN suggested that the Bill should be withdrawn, as it was obviously impossible for it to pass this Session.

MR. AGLIONBY said he felt pledged to the House to go on with the Bill, which had been opposed at every stage hitherto without success. If the Government would undertake to consider the subject during the recess, and bring in some measure next Session, he would readily abandon his Bill.

SIR G. GREY said, the Government had brought a Bill into the other House founded on the report of the Commissioners, but the Lord Chancellor thought there were insuperable objections to it. The Government could not properly reintroduce that Bill. The present Bill was modified to meet the objection; he had supported the second reading, and wished to send it up to the other House. But, on the part of the Government, he could not promise to introduce a Bill which would more stringently effect the object in view. At the same time, he would put it to the hon. and learned Member whether he thought there was any advantage in now proceeding with the Bill.

MR. AGLIONBY said, he considered he should disappoint the country, unless he proceeded with the Bill. He never could understand why the Government had abandoned their former Bill. There certainly was no reason why this Bill should not pass.

MR. HENLEY thought the best course would be to propose that the Chairman do leave the chair—as the hon. and learned Gentleman would apparently be glad to be relieved from further proceeding with the Bill.

MR. AGLIONBY said, that nothing but compulsion should make him withdraw the Bill. If it were now thrown out, he would introduce such a Bill again and again.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee divided:—Ayes 61; Noes 36: Majority 25.

House resumed.

CORONERS' FEES ABOLITION BILL,

Order for Second Reading read.

SIR B. HALL moved the Second Reading of this Bill.

MR. HENLEY said, he had no objection to the second reading, but hoped the Bill would then be postponed till next Session.

SIR G. GREY did not object to the principle of the Bill, but thought the method of fixing the salaries was not fair. At present they were very different in different parts of the country, and, if commuted at their present rate, the same inequality would be continued. There were other points on which amendment was required; and he feared there would not be time fully to consider them this Session. At the same time he had no objection to the second reading of this Bill.

SIR J. PAKINGTON said, that he was anxious to see the principle of the Bill adopted. He wished to see coroners paid by salaries instead of by fees. It was somewhat difficult, however, to say how the principle was to be carried out, and therefore he would recommend his hon. Friend to withdraw the Bill for the present Session.

SIR B. HALL said, that he concurred with his right hon. Friend as to the objectionable portions of the present Bill. If the House would consent to the second reading now, he would fix the Committee for Friday, and in the mean time would speak to his hon. Friend who had charge of the Bill, and who would, he was sure, consent to the opinion of the House.

Bill read 2°.

SMALL TENEMENTS RATING BILL—ADJOURNED DEBATE.

Order read for resuming Adjourned Debate, on Question [12th June].

The ATTORNEY GENERAL stated the object of the clause, which was to prevent the disfranchisement by this Bill of occupiers who were now entitled to vote at municipal elections.

On Motion that the Clause be read a Second Time,

MR. STANFORD said, that the clause gave the franchise to persons who paid neither rent nor rates, which was a departure from the principle of the Reform Bill.

Sir H. WILLOUGHBY said, that by this clause the owner was to pay the rate, and the occupier was to vote, which was tantamount to the introduction of the scot-and-lot system.

Sir G. GREY said, that the Bill, as it was introduced, would cause a considerable diminution of the number of persons entitled to vote at municipal elections; and the present clause was drawn up with the consent of the Committee to prevent that result.

Mr. HENLEY said, that the real question was, whether they were to give the power of voting to parties who did not choose to put themselves to the trouble of claiming it. He did not think it wise for such a purpose that they should depart from the sound principle of requiring payment of the rate as a test of the fitness of the voter.

Sir J. GRAHAM said, with respect to the Parliamentary franchise, there was no difficulty in allowing persons to compound for the rate, because they had the value of the tenement, which must be of the value of 10*l.*, as a test. But with regard to the municipal franchise, there was no such test with regard to the value of the tenement. As at present advised, therefore, he was disposed to vote against the clause.

Mr. BAINES said, that there were difficulties on all sides of the question, but he considered that the clause of his hon. and learned Friend was the most free from objection.

Question put.

The House divided:—Ayes 38; Noes 29: Majority 9.

Clause read 2°; 3°.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, July 25, 1850.

Minutes.] Public Bills.—*Sat first,* His Royal Highness the Duke of Cambridge after the death of his Father.

1^{a} Manchester Bonding (Amendment of Act); Canterbury Settlement Lands; Highway Rates; Turnpike Acts Continuance, &c.; Borough Gaols.

2^{a} Militia Pay.

Reported.—Stock in Trade; Court of Exchequer (Ireland).

3^{a} Vestries and Vestry Clerks; Registration of Deeds (Ireland).

BREACH OF PRIVILEGE — LIVERPOOL CORPORATION WATERWORKS BILL.

Lord BEAUMONT rose to present the petition of Joseph Byrne, Joseph Hinde, and Duncan M'Arthur, prisoners in Newgate, stating their deep regret for having committed a Breach of Privilege by writing false signatures to a petition addressed to this House; also stating that they are poor men depending upon daily wages for their subsistence, and praying the merciful clemency of the House in regard to their offence. They had been examined that day before the Select Committee appointed to inquire into the circumstances of their employment in procuring signatures to the petition in question, and had given their evidence in a very clear and satisfactory manner. Under these circumstances, he now asked their Lordships to take their petition into consideration to-morrow.

Presented, and read.

Then the said petition was ordered to lie on the table; and to be taken into consideration To-morrow.

" *Ordered*—That the Keeper of the Prison of Newgate, or his deputy, do bring Joseph Byrne, Joseph Hinde, and Duncan M'Arthur in his Custody to the Bar of this House, To-morrow, at Five o'clock in the afternoon."

MARRIAGES BILL.

The Earl of ST. GERMANS moved, that the Order of the Day for the second reading of the Bill be read, in order to its being discharged. His Lordship said, that, ready as he was at all times to defer to the wishes of their Lordships, he should have consented at the close of the conversation which took place on Monday last to withdraw this Bill for the present Session, in consequence of the request of their Lordships, had he not thought himself called upon by a sense of public duty to consult previously with those by whom the Bill had been intrusted to his hands. He was now in a situation to inform their Lordships that, with the concurrence of those parties, he now withdrew the Bill, but for the present Session only. He could not, however, take that step without expressing a hope that, in the recess, their Lordships would consider calmly and dispassionately the measure, and that they would not allow their minds to be led away by the vague and extravagant denunciations which had during the last year been hurled against it. He begged their Lordships to recollect that more than 100,000 persons had petitioned that it might pass into law. 1,200 clergymen of the Church of England, a large majority of the clergy of other denominations of Christians, and many other excellent persons, both lay and clerical, had declared their belief that the marriages which this Bill contemplated were neither against the law of nature nor against the law of God; that the prohibition of them by Parliament had led to great moral and social evils; and that the prohibition ought no longer to be continued. He reminded their Lordships that a Commission, composed of the right rev. Prelate the Bishop of Lichfield, Sir S. Lushington, the head of one of the ecclesiastical courts, the Lord Advocate of Scotland, Mr. Justice Williams, the late right hon. Sir Anthony Blake, a sincere and pious Roman Catholic, and Mr. Stuart Wortley, who introduced this Bill into the other House, had examined into the whole bearings of this subject, and had in the report which they submitted to Her Majesty, declared that it had been proved before them that the existing law required redress, and that it had failed in its purpose. They showed that in every other Christian country in Europe marriages of this kind were permitted; and that in the United States Mr. Justice Story, the great American lawyer, had testified that they were considered as the very best sort of marriage which a widower could make. It was not correct that there had been continually decreasing majorities in favour of this Bill in the House of Commons during the present Session; but on the contrary, they had been gradually increasing. In the year 1849 the second reading of this Bill was carried by a majority of thirty-four only. In the year 1850 it was carried by a majority of fifty-four. It was true that, on the third reading, the majority was only ten; but that was owing to the larger attendance of the Scotch Members, who had been specially summoned to oppose it. They had heard something that evening of the feeling of Scotland against this Bill. He admitted that a vast majority of the clergy and laity of that country were adverse to it; but since the Bill had undergone discussion in Parliament, there had sprung up a strong current of opinion the other way. If it could be satisfactorily shown to him that the majority of the opinions of Scotland were adverse to the measure, he thought that it would be worthy of consideration whether Scotland should not be exempted from its operation. For himself, he rejoiced sincerely at the postponement of the further consideration of the Bill till the next Session. He trusted that at that time his noble Friend (the Earl of Ellesmere), who had been prevented from taking charge of it this Session, would be restored to health, and would then submit a similar, if not the same, Bill to their Lordships' consideration.

The BISHOP of SALISBURY felt, that it was not quite regular to get up a discussion on the Motion to withdraw a Bill; but he felt bound to make an observation on what had fallen from the noble Earl. His object in rising was to correct a mistake in point of fact, into which the noble Earl had fallen. The noble Earl had referred to the report of the Commissioners, as if that was in favour of the present measure; and, further, he connected the name of a right rev. Friend of his who was a member of the Commission (the Bishop of Lichfield), with the subject in such a manner as might lead the House to infer that he was in favour of the Bill. He did not know whether the noble Earl had any authority to draw such an inference, nor did he (the Bishop of Salisbury) distinctly know what the feeling of his right rev. Friend was on the subject; but if he was to adopt an inference, he should say his right rev. Friend was decidedly opposed to it.

The EARL of ST. GERMANS had not said that the report recommended this specific measure, but that it pointed out the defects in the existing law relative to this description of marriages. They also said that the existing law had failed to fulfil the purpose in view, and recommended that some alteration should be made in it.

The BISHOP of OXFORD said, he believed that a distinct majority of all the Members of the other House had voted at different times against the Bill. It was merely owing to the accident of Members not attending that the Bill had been allowed to struggle through the other House. There was one suggestion of the noble Earl in which he fully concurred. The noble Earl asked their Lordships to consider this measure during the coming recess. He (the Bishop of Oxford) hoped they would do so; for, in the first instance, he was himself inclined to regard the measuse favourably, but subsequent consideration had induced him to change that opinion, and he had no doubt that noble Lords, if they adopted the suggestion thrown out, would come to the conclusion to which he had come—namely, to oppose this contemplated change in our marriage law.

After a few words from Lord BROUGHAM,

Order of the Day for the second reading of the Bill read and discharged.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 25, 1850.

MINUTES.] PUBLIC BILLS.—1^a Sheep and Cattle Contagious Disorders Prevention Continuance; Commons Inclosure (No. 2); Grand Jury Cess (Ireland); Assizes (Ireland); Trinity College (Dublin).

Reported.—Fisheries.

3^a General Board of Health (No. 2); Charitable Trusts; Summary Jurisdiction (Ireland).

MERCANTILE MARINE (No. 2) BILL.

Order, as amended to be considered, read.

MR. WAWN said, that several days had been occupied by the Committee on this Bill, and many alterations had been made, and new clauses proposed and inserted at the last moment. Many hon. Members interested in the subject had not been aware of the nature of those clauses and alterations. He complained also of the vexatious interference of many provisions of the measure with the ordinary business of the shipowners. Even a seaman's wages could not be paid without the intervention of a third party. Under the circumstances, and considering that important alterations had been made and new clauses inserted, proper time for the consideration of which had not been given, he felt that on the part of his constituents he had a right to ask for further time, and he should therefore move that the Bill be recommitted.

Motion made, and Question put, "That the Bill be recommitted."

MR. LABOUCHERE hoped that his hon. Friend would excuse him for not going into the merits of the Bill in answer to his animadversion. It was certainly quite true that the Bill had occupied the attention of the Committee during several mornings, and that it had received several very important Amendments; and he took this opportunity of acknowledging his obligation to the hon. Member for Oxfordshire and to the right hon. President of the Poor Law Board for the suggestion of many improvements. But the alterations that had been made at the last were not of a very momentous kind, and were founded upon points that had before been amply discussed, and they were embodied in clauses which would be brought up on the report, and the Bill would be reprinted, and the whole Bill would be considered on the third reading. He must oppose the Motion for recommittal.

MR. CLAY said, he had received letters from his constituents complaining that these alterations had made the Bill very different to what it had been when they had last seen it, and that they had not had proper time for considering those Amendments.

MR. ANDERSON said, he had Amendments of importance to propose, and he hoped the right hon. Gentleman the President of the Board of Trade would accede to the Motion of the hon. Member for South Shields, as it would be far more convenient to consider such details in Committee than upon the third reading.

MR. HENLEY thought the only effect of going into Committee again would be to give Members the trouble of going through the clauses again. It was certainly unfortunate that the clauses to be proposed by the right hon. Gentleman had been printed in a way that they were mingled up with the other votes relative to private business; and might have escaped the eye of hon. Members who had no interest in private business, and were, perhaps, not very scrutinising in looking over their papers. The most useful course, however, he thought, would be to consider the Bill as amended, and the Bill would then be reprinted with all the alterations. Hon. Members would then have a fair right to ask the Government that between the reprinting of the Bill and the third reading, ample time should be given to communicate with all parties interested in the subject.

MR. DUNCAN hoped that suggestion would be adopted, and time be given to communicate with Scotland upon these latter Amendments. The Bill, as it now stood, was not, in point of fact, the Bill which was known as the Mercantile Marine Bill No. 2. It was "the Mercantile Marine Bill No. 3."

MR. LABOUCHERE said, that the only difficulty which pressed upon his mind with regard to any amount of delay was, that they had arrived at a late period of their sittings; and he did attach the greatest possible importance to the Bill passing in the present Session. The most considerable and important of the Amendments that had been lately made, did not affect the principle of the Bill, or the interests of shipowners, but chiefly related to the legal forms in carrying the Bill into effect, and were such as the House was perfectly competent to consider, and involved not the slightest necessity for their sending all over the country to consult their constituents. If hon. Members would facilitate the passing of the Bill, he would endeavour to give as much time as possible between the reprinting of the Bill and the third reading. He was so anxious that the reprint should be done quickly, that he had made special arrangements which he hoped would place the complete reprinted Bill in the hands of hon. Members tomorrow morning.

MR. CARDWELL trusted that the right hon. Gentleman would assent to no delay that would endanger the passing of the Bill in the present Session; and that the third reading would be taken as early next week as possible, so that the Bill might be sent to the House of Lords in time.

The House divided:—Ayes 3; Noes 61: Majority 58.

ADMIRAL BOWLES, in moving the adoption of a clause of which he had given notice, said: I shall refrain from pressing on the attention of the House any of those higher and more serious topics which naturally present themselves to the mind, but which this is not a fitting place to discuss. I will only beg to be considered a petitioner, asking in behalf of the seamen of the mercantile marine, a body of between 200,000 and 300,000 persons, that they may receive that protection which secures to all the working classes one day of rest out of seven. Above 100 years ago, when an Act was passed analogous to the present, for regulating the discipline of the Royal Navy, it was required that—

> "all commanders, captains, and officers in or belonging to His Majesty's ships shall cause the public worship of Almighty God to be solemnly, reverently, and orderly performed on board their respective ships, and that the Lord's Day be observed according to law."

Will it not be equally strange and inconsistent if, when in 1850 we are legislating for the better organisation and discipline of the mercantile marine, we should neglect to secure to our seamen, who are perhaps more severely worked, by night as well as by day, than any other class, besides being exposed to the vicissitudes of weather and climate, that rest and relaxation which all their fellow-subjects enjoyed on a Sunday? I can scarcely anticipate any opposition to my proposal. The only objection I have heard is that it is unnecessary, because all our best commanders of merchant ships already observe Sunday with becoming decorum and propriety; but we are legislating not against the good but the bad, and I grieve to say that a large proportion of our seamen are still denied that privilege which I am now seeking to secure for them. I am told, also, that this enactment will give rise to frivolous and vexatious complaints; but we have entrusted the magistrates with the power of giving costs under such circumstances, and I do not, therefore, anticipate any inconvenience of that nature from securing to our seamen this just and necessary privilege. The Bill which we are passing contains many stringent clauses against them; but the Committee may be assured that we shall more easily secure their attachment to their Sovereign and their country by consideration and kindness, than by suspicion and severity.

Clause—

> "And be it Enacted, That the Lord's Day shall be observed according to Law, and no work shall be done on that day which is not absolutely necessary for the cleanliness and preservation of the ship and stores, or for its safe and careful navigation if at sea or proceeding to sea; and if the master, owner, or consignee of any ship shall cause any unnecessary work to be performed on the Lord's Day, he shall, on being convicted thereof, be liable to a penalty of five pounds for every such offence."

Brought up and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

MR. LABOUCHERE assured the hon. and gallant Admiral that he was not in the least disposed to treat with any other feeling than that of the greatest respect any suggestion emanating from him. For it was well known that in addition to the care and attention which the hon. and gallant Gentleman bestowed in that House upon the welfare and interests of merchant seamen, he also devoted a large portion of time in his private capacity to the same object; and the greatest advantages had arisen from the exertions of the hon. and gallant Admiral, and of several other naval officers. With regard to the present proposition, he (Mr. Labouchere) had communicated on the subject with some of those shipowners who were most distinguished in that body for their care and consideration of the religious and moral welfare of their sailors, and for their anxiety to promote, by every means in their power, the proper observance of the Lord's day on board their ships; and they had stated their opinion that any interference of the kind was unadvisable, and that enforcing the performance of divine service would, in many cases—he hoped not generally—lead to scenes of profaneness, rather than of sanctity. But he also objected to the extreme vagueness of this clause, which was altogether too general. Even on shore it was often difficult to define what was and what was not a proper observance of Sunday; but on ship-board the difficulty would be far greater; for how was it possible to lay down what a sailor must and what he must not perform, and what was exactly and strictly a work of necessity. That must depend upon the state of wind and weather, the position of the vessel, and a variety of contingents impossible to foresee and define, and impossible for the House to consider. Such a provision would lead to nothing but the most vexatious effects, and so far from causing a reverent observance of the Sunday, he believed it would tend in a direction exactly contrary to that object which the hon. and gallant Admiral was desirous to attain. He repeated that the result of his communications with the most respectable shipowners had convinced him that the proposal was impracticable.

Admiral BOWLES said, that all he wished was that the seaman should have a day's rest: he had said nothing relative to divine service; but, considering the long time which this Bill had occupied, and the opposition now offered to his proposal, he should be sorry to cause unnecessary delay by an ineffectual persistance in the clause. At the same time, he must add that he was extremely sorry to see so many Members ready to vote against a resolution having such an object as this.

Sir G. PECHELL said, he was most anxious to record his vote against the clause. He begged to remind the gallant Admiral that upon a former day he had implored him not to persist in moving an impossible clause.

Clause withdrawn.

Mr. ANDERSON then, pursuant to notice, moved the adoption of a clause to relieve shipowners from a serious grievance. The Merchant Seamen's Act provided that a seaman deserting his ship on a voyage should be subjected to certain penalties, among which was the forfeiture of wages. But by two other clauses it was provided that if a seaman quitted a merchant ship, and went into one of Her Majesty's ships, then he gained a complete impunity. The master of the merchant ship was compelled to pay the wages up to the day the man left the ship, and the shipowner had no remedy. He (Mr. Anderson) had on a former occasion moved a clause to the effect that the going on board a Queen's ship should not be an exemption. It would be in the recollection of the Committee that he divided it on that Amendment, the result of which division he considered entitled him to say that he certainly had the sense of the Committee with him, although owing to certain Ministerial arrangements, to which he need not more particularly allude, the physical force of it was rather too strong for him. He hoped, however, now to obtain this small concession of relief to the shipowner. It was then argued that this privilege was necessary for the public service; but now it should be recollected that the shipowners no longer belonged to the protected classes, and therefore their claim was now more just than ever. The right hon. Baronet the Chancellor of the Exchequer had said that no complaints had been made, and that if any representations of hardships had been sent to the Board of Admiralty they would have been attended to. But he apprehended that the Lords of the Admiralty had no power to give redress under the Act of Parliament, and it was to give them that power that he proposed this short clause.

Clause—

"And be it enacted, That if in the course of a voyage any 'seaman' shall quit his 'ship' without the consent of the master, to enter into Her Majesty's Naval Service, and shall be received into such service, and the owner shall thereby incur any additional expense, loss, or damage, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, to indemnify the owner for such additional expense, loss, or damage, to such extent as to them may appear just and reasonable."

Brought up, and read 1°.

Motion made, and Question put, "That the said Clause be now read a Second Time."

Mr. LABOUCHERE said, that the question had been already discussed and decided, and he hoped, therefore, that his hon. Friend would not now press his clause. If there were special circumstances that had caused loss or damage to the owner, he should think the Admiralty would entertain the case. But he really thought it would be unwise for the House of Commons to pronounce opinion in this manner by a clause in a Bill upon a matter of this kind, which, in fact, involved a great question of national policy. It was a question affecting the public service in regard to the manning of the Navy, and should not therefore be decided in an incidental manner.

Mr. CLAY said, that if the right hon. Gentleman would say that the Admiralty had the power of granting compensation in cases of serious injury, he had no doubt his hon. Friend would be satisfied, and withdraw the clause. But it had been brought forward in the belief that in cases of damage there were no means of relief.

Sir F. T. BARING said, that the proposed clause gave no additional power to the Admiralty. To effect its object it should have specified the funds from which the Admiralty was to take the compensation. At the same time the Admiralty might find the means of compensation in very extraordinary cases if they thought fit.

Lord J. MANNERS said, it might be true that the clause did not practically carry out its object; but, nevertheless, the subject demanded consideration, and he gave notice that he would have a clause drawn up in the form which the right hon. Gentleman had just described, and which he should propose on the third reading.

Mr. ANDERSON said, it would be most satisfactory to hear the opinion of a legal Member connected with the Government upon the point.

Mr. ALEXANDER HASTIE said, that the grievance in question was much felt by the shipowners. He could understand the necessity in extraordinary cases for a ship-of-war taking a seaman from a merchant ship; but it was fair when the act was done, that the owner should have compensation for loss and injury sustained. It would seem that the Admiralty had power to make compensation, but no funds to pay it from.

Mr. HENLEY said, that this was a subject which should receive more consideration from the Government than they had yet bestowed. The shipowner was now in a very different situation from that in which he had been. By this Bill considerable restriction was imposed upon the shipowner, and the Government refused to give any countervailing advantages, and refused to consider the strange position in which they would be placed under the new regulation. The question was, whether, when the Government took seamen from merchant ships for the public service, they were not bound in common justice to give compensation for loss and injury sustained by that act. He doubted, indeed, if this clause would carry out its avowed object; but still if the principle were recognised by the House of Commons, the Government would be compelled to find the means of carrying it into full and active operation; and he was happy to hear that if this clause was withdrawn, the noble Lord the Member for Colchester would raise the question, and the Government might be assured that the question would be raised again and again until a just settlement was made.

Mr. FORSTER said, that to allege that the Admiralty had the power of compensation, but no funds to pay it from, was a mere evasion of the question, and nothing else. A great deal was heard about the necessity of a large navy to protect our commerce; but he confessed that so far as his own experience went, he was not able to discern those great services it rendered, especially to merchant ships. It was made the special duty of merchant ships to supply men to the Queen's ships, under a special necessity. It had been suggested that the Government should take one man and give another; but what would be the result of that? Just that that they would take a good man away, and give a bad one in return.

Admiral DUNDAS opposed the clause, and defended the Admiralty from the insinuations thrown out by the hon. Member. He considered that the law which enabled a seaman to resort to a man-of-war, was a great protection and valuable privilege to seamen, for it enabled him to escape from a ship where he might have been ill treated, to one where he would be well treated.

The House divided:—Ayes 25; Noes 48: Majority 23.

Mr. ANDERSON then moved after the word "characters" to insert the words "and when thereto required by any owner or master of a ship." The object of this Amendment was to limit the interference of the shipping masters with the ordinary business of shipowners. By the provisions of this Bill all agreements with seamen were compelled to be entered into before the shipping master. This, in the case of men leaving a vessel, as they often did, at the first place at which the ship touched after leaving her port, would occasion great delay. The right hon. Gentleman the President of the Board of Trade must institute very large establishments to do the work on the Bill, and these arrangements must cause positive obstruction to the shipowner's business. He would now take occasion again to put the question to his right hon. Friend which he had on several occasions already put to him, but to which he had never yet received anything like a satisfactory answer, namely, whether his right hon. Friend was in possession of any information showing that it was an extensive practice of the shipowners of the united kingdom to deceive the seamen in regard to the signing of their articles of agreement at the commencement of a voyage, or to defraud them of their wages at the termination of it? Unless he could show that, he (Mr. Anderson) contended there was no justification whatever for subjecting the shipowners to the surveillance of shipping masters. He felt certain that, although a few isolated cases might possibly be found, no extensive practice of the kind could be shown. As to the shipping masters being a protection against the crimps, nothing could be more fallacious, as he had already endeavoured to show. In this opinion he was supported by the opinion of some of the most extensive shipowners of the kingdom. His right hon. Friend, instead of giving a plain answer to this plain question, was in the habit of quoting the opinions of two, no doubt, highly respectable gentlemen as being favourable to this shipping-master establishment, namely, Mr. Richard Green, of London, and Mr. Allan Gilmour, of Glasgow. Now, although it was, no doubt, but natural that his right hon. Friend, like other men, should occasionally "think his own geese swans," he (Mr. Anderson) could name gentlemen, such as Mr. Moncy Wigram, Mr. Dunbar, &c., whose opinions would carry as much weight among all who were practically acquainted with shipowning, as that of Messrs. Green and Gilmour, without any disrespect to them; and who would decidedly be opposed to the establishment of shipping masters as being useless for any good purpose, and calculated to prove a serious obstruction and embarrassment to the shipping interest. He strongly deprecated the appointment of a public officer to interfere in every petty detail relating to the shipping and crews, and he certainly should press his Amendment.

Mr. MOFFATT seconded the Amendment.

Mr. LABOUCHERE said, the alteration of the hon. Member struck at the most important parts of the Bill, and he hoped the Motion would not be pressed. This system of substituting the regularity and responsibility of a public officer for the present irregular manner of performing the duties, was a decided advantage to the shipowners themselves. To illustrate this, he would state a fact relating to the establishing of shipping offices in Canada. The last arrival from Quebec brought a document in the shape of a memoral of merchants and shipowners there, and in which it was stated that after full experience of the Act for the regulation of the shipping of seamen, they had become convinced of its beneficial operation, and they requested the Legislature not to accede to the request of parties locally interested for the repeal of that Act. They stated that they were merchants of Quebec, and were interested in the preservation of a law which protected the shipping interest. So the hon. Gentleman would see that these petitioners did not consider the shipping offices and public functionaries as a vexatious interference. They further said, that the Act for regulating the shipment of seamen had done great service by putting down the combination of "crimps," preventing desertion, and taking care of the welfare of the seamen, and they petitioned the Legislature not to repeal that law. He therefore hoped the Committee would not sanction the Motion.

Mr. CLAY contended that the case of Quebec afforded no analogy with that of England. There might be a necessity in Quebec for such regulations, which had no existence over here. All those with whom he had communicated entertained great objections to this minute interference, and thought that it would work a great deal of evil.

Mr. WAWN complained that his constituents greatly objected to this clause, and considered it an evil.

Mr. LABOUCHERE said, that his hon. Friend had called upon him, accompanied by some of his constituents, and had certainly left him (Mr. Labouchere) under the fullest impression that the constituents of his hon. Friend were favourable to this Bill. They had certainly wished him to make two alterations relative to the coasting trade, and he had been unable to comply with their request; and to this circumstance might probably be attributed a great deal of the opposition manifested by his hon. Friend. But the gentlemen who accompanied his hon.

Friend were certainly not unfavourable to these shipping offices; but, on the contrary, had expressed their opinion that the establishment of them would be good policy. The corporation of Newcastle had signed a petition also in favour of the measure.

Question put, "That those words be there inserted."

The House divided:—Ayes 8; Noes 78: Majority 70.

Mr. LABOUCHERE said, the House would feel the importance of sending this Bill up to the House of Lords as soon as possible. He had ascertained now that the Bill could be reprinted and placed in the hands of hon. Members to-morrow morning, thus giving Friday and Saturday to consider the amendments and alterations. He proposed, therefore, to fix the third reading for Monday next. Meanwhile, the reprinted Bill could be sent by post into the country; and the alterations, though numerous, he considered were not such as affected the great body of the shipowners.

Mr. DUNCAN, on behalf of the same interest in Scotland, complained that the time was not sufficient to consider the recent alterations.

Other Amendments made; Bill to be read 3° on Monday next, at Twelve o'clock, and to be printed.

MEDICAL CHARITIES (IRELAND) BILL.

Order for Committee read.

The House resolved itself into Committee; Mr. Bernal in the chair.

Clause 9, as amended, agreed to.

Clause 10.

Mr. VESEY, pursuant to notice, moved to omit the words "guardians of unions," and to insert "committee of management." All the expenses of the union would be greater as the clause stood.

Sir W. SOMERVILLE opposed the Amendment as being against one of the main principles of the Bill, which was, that as far as the districts were concerned, local management should be in the hands of the boards of guardians. If the medical officer were to be placed so completely under the control of the committee of management, many of the present evils would be continued, and the committee would probably look more to the interests of the persons who were appointed than they ought; but if the appointment rested with the boards of guardians, it would be in the hands of a more independent body. He did not think this Committee would either improve the constitution of the medical staff, or the general good working of the Bill, by assenting to the transference of these duties to the committee of management.

Sir D. J. NORREYS objected to giving these powers to a local committee, as by so doing all the old jobbing existing under the present system would be revived.

Mr. STAFFORD protested against assuming any practice in the English poor-law being applicable to the existing mode for relief of the poor in Ireland. As chairman of a board of guardians he denied that there was any machinery in Ireland for the operation of English modes. He believed that the committee of management was the best repository for the trust proposed to be committed to them, for it was only consistent with the whole clause, which was to give substantial and effective powers of administration to the Poor Law Commissioners.

Amendment withdrawn.

Clause agreed to.

Committee report progress; to sit again To-morrow.

The House resumed.

MR. FRANK FORSTER—EXPLANATION.

Viscount DUNCAN said, he had been requested by Mr. Frank Forster to explain to the House that he meant and believed he had signed the returns required from the Metropolitan Commissioners, "Frank Forster," and that he was sure there must have been some mistake in the reading of his name on the part of Messrs. Hansard. The noble Lord then apologised to the House for having taken up so much time in reference to this mistake.

EXHIBITION OF 1851—HYDE PARK.

Colonel SIBTHORP begged to ask the hon. and learned Gentleman the Attorney General whether it was true that he had refused his sanction to an application to the Court of Chancery for an injunction to stay the holding of the Exhibition of 1851 in Hyde Park. If the report abroad to this effect was true, he should certainly bring the subject under the notice of the House.

The ATTORNEY GENERAL, in reply, said it was quite true he had refused his sanction to a proposed application for an injunction; but he would reserve his reasons for the course he had taken until after the hon. and gallant Member had made his statement to the House.

Colonel SIBTHORP: Then I shall call the attention of the House to the subject To-morrow.

BRITISH CLAIMS ON TUSCANY.

Mr. B. COCHRANE: Sir, I wish to put a question to the noble Lord the Secretary of State for Foreign Affairs, of which I have given him notice; and with the permission of the House I will shortly explain what is the nature of the question. When the demand for the indemnity to British subjects at Leghorn was first made, at the suggestion of Sir George Hamilton, our Minister at Florence, the Government of the Grand Duke of Tuscany sent a proposition to the noble Lord to refer the arbitration of that question to one of the great Powers. Some three weeks after that communication was made by Sir George Hamilton, the Tuscan Government received a note through him from the noble Lord, making a proposition for the good offices of Sardinia to settle the question of the indemnities, but making no allusion whatever to the despatch from the Tuscan Government sent some time preceding. Upon the Tuscan Government asking for an explanation of this omission, Sir George Hamilton is reported to have said that the despatch so forwarded had never been received at the Foreign Office, and that it had probably miscarried upon the road. I wish, therefore, to ask the noble Lord whether that despatch has been received at the Foreign Office, and, if so, whether the noble Lord has any objection to lay it upon the table of the House?

Viscount PALMERSTON: Sir, when that despatch was received at the Foreign Office, the state of the case was this. The Sardinian Government, through their Minister here, offered verbally the good offices or the arbitration of the Government of Sardinia for the settlement of the differences with Tuscany. He was requested to make that proposal in writing, which he did; and in reply to it he was informed that Her Majesty's Government could not consent to refer the question to the arbitration of any Power, but that they would willingly accept the good offices of the Government of Sardinia with a view to obtaining what might be proper satisfaction from the Government of Tuscany. A despatch was at the same time sent to Sir George Hamilton to inform him of that answer, and there was also sent to him a copy of the overture. About the same time, Sir George Hamilton had written a despatch, stating, on the part of the Tuscan Government, that they would agree to refer the question to the arbitration of some other Power. [Mr. B. Cochrane: Of some great Power?] To the arbitration of some other Power, which they would name, if the principle of arbitration were admitted. There was some delay in the reception of that despatch, but the delay was wholly unimportant. In the meanwhile the information was conveyed to the Government of Tuscany that we were willing to accept the good offices of the Government of Sardinia. In reply to that the Tuscan Government stated that they declined the good offices of the Government of Sardinia, and they proposed the arbitration of Russia. The answer to that was, that Her Majesty's Government declined the arbitration of any Power, but that they still adhered to their willingness to accept the good offices of Sardinia. There the matter rested. I should object to produce any one despatch connected with a long correspondence. The despatch to which the hon. Gentleman refers is of no value except as containing the offer which I now state on the part of the Tuscan Government to refer the question to the arbitration of some Power, that Power to be named by the Tuscan Government, if the principle were admitted. At a subsequent period, as I have said, we replied by a communication that we would accept the good offices of Sardinia; but the Tuscan Government proposed again, not only the principle of arbitration, but suggested Russia as the Power to whom the arbitration should be referred.

Mr. B. COCHRANE: What I want to know, when the noble Lord refers to that despatch, is, whether the suggestion came from the noble Lord that Sardinia should propose her good offices? I want to know if the proposition was not made by the noble Lord in the first instance that Sardinia should offer her good offices? [Viscount Palmerston: No, no!] Then I am wrong on that point? [Viscount Palmerston: Quite wrong.] I wish to know whether, when the noble Lord wrote that despatch to Sir George Hamilton, he had received the despatch suggesting, on the part of the Tuscan Government, the arbitration of some great Power.

VISCOUNT PALMERSTON: The two despatches crossed each other. When the offer was made, spontaneously, by the Sardinian Government, and not at our suggestion at all, that she should arbitrate, or interpose her good offices, we had not received the despatch on the part of the Tuscan Government offering arbitration by a Power, nameless at the moment, but to be named afterwards. But if we had received it, we should have given the same answer, namely, that we could not accept the arbitration of any Power, but that we would willingly accept good offices. [Mr. HUME: What is the difference between good offices, and arbitration?] I will explain the difference between arbitration and good offices. When you accept an arbitration, you agree to submit to the award; but when you accept good offices, you accept them as individuals between whom there is a difference accept the good offices of a friend—to endeavour to bring the two parties into friendly agreement upon the subject of the misunderstanding.

Subject dropped.

CEYLON COMMITTEE—CASE OF CAPTAIN WATSON.

MR. BAILLIE: I rise, Sir, to put a question to the noble Lord at the head of the Government, and I trust the House will allow me its indulgence whilst I allude to a matter which is personal to myself, and in which my character, as well as that of my hon. Friend the Member for Montrose, is, in some degree, concerned. The House will remember that at the commencement of this Session the noble Lord at the head of the Government accused me of having made a statement in this House injurious to the honour and character of a British officer; that I had supported that statement by documents which were said to be forged; and the noble Lord read a letter addressed to the noble Earl the Secretary of State for the Colonies by Captain Watson, who he stated was an officer of twenty years' standing in Her Majesty's service, and the son of a general officer. The letter which the noble Lord read was as follows:—

"22, Craven-street, London, Feb. 7.

"My Lord—Owing to absence from London, it was only this morning that I saw in the morning papers of yesterday the very cruel and unjustifiable attacks which are stated to have been made on my character by Mr. Baillie and Mr. Hume—who have coupled my name with acts of atrocity more suitable, as they say, for the 'destruction of mad dogs,' than becoming proceedings which involve the lives of human beings. In attendance as I am, pursuant to a summons from Ceylon, and about to be examined before a Committee of the House of Commons, appointed to inquire into recent events in that island, I cannot but feel deeply wounded by this ungenerous attempt to damage my reputation, and discredit my testimony by anticipation. Nor will your Lordship fail to perceive the prejudice to justice which must ensue from bringing forward such imputations in places where I have no means to meet and repel them, instead of reserving them for the approaching investigation, when opportunity would be afforded me for defence; and, in any event, the charge and its refutation would go together for the decision of the public. The evidence on which I have been thus assailed, is a document said to have been produced by Mr. Baillie, described as a 'savage proclamation,' and purporting to bear the name of 'A. Watson, captain commanding.' It threatens with death and confiscation of property all persons who shall fail to make disclosures as to the abstraction of the effects of Golahella Rata Mahatmeya; and Mr. Baillie is said to have declared that all doubts as to its authenticity are effectually set at rest by his possessing 'two of the original proclamations signed by Captain Watson's own hand—proclamations which have received the full sanction and cordial approbation of Her Majesty's Government.' Had opportunity been afforded me by Mr. Baillie, before thus pledging his own veracity and impugning my honour, I should have informed that gentleman, as I now do your Lordship, that the document in question is utterly spurious; that I never issued or authorised such a proclamation; and that he has been misled by an unprincipled forgery. The other allusions which have been made to supposed acts of mine, by both Mr. Baillie and Mr. Hume, are alike devoid of all foundation in fact, and so soon as an opportunity shall have been afforded me in the approaching Committee, I shall have no more difficulty in disposing of them than I have in denouncing the fictitious proclamation by which these gentlemen have been so grossly imposed on.—I have &c., ALBERT WATSON, Captain, Ceylon Rifle Regiment. To the Right Hon. Earl Grey, &c."

Now, let not the noble Lord suppose that I mean to attribute the slightest blame to him for the course he adopted on that occasion. Far from it: I think the noble Lord was perfectly right in taking it, and that he could have adopted no other course than the one he did—the more so, inasmuch as this letter was written not without much consideration and advice. It was written by the advice of the Colonial Secretary at Ceylon, Sir James Emerson Tennent, who, from his official situation in Ceylon, ought to be perfectly aware of the existence of the documents, if they did exist, for he was himself residing within sixteen miles from Captain Watson at the time the proclamations were issued, and were distributed in large numbers all over the country; and he remained in Ceylon a year after they were published. The noble Lord, therefore, was fully justified in reading and in believing the letter which Captain Watson addressed to the Colonial Secretary. The answer which I made to the noble Lord upon that occasion was, that I had received the documents as chairman of the Ceylon Committee, from a gentleman in whose honour, and upon whose character, I could place reliance, that the name of Captain Watson was attached to them, and believed to be genuine. Upon a subsequent occasion, when the matter was brought under the notice of the Ceylon Committee, having in the meantime obtained further information, I stated to the Committee that I was prepared to prove the signatures by witnesses. The Committee, however, decided that it would be impossible to doubt the honour or the word of a British officer; but subsequently, upon the advice of the late lamented Sir Robert Peel, it was determined to solicit this House to pray Her Majesty to issue a Royal Commission to proceed to Ceylon, for the purpose of making further inquiry into the subject, and there to ascertain the truth or the falsehood of the statements which had been made. The commission did go to Ceylon. That commission has now made its report, and the report is in the hands of Her Majesty's Government. That report states that the signatures of Captain Watson have been proved to be genuine by the most conclusive evidence—by the evidence of the parties who wrote the proclamations, and who saw Captain Watson sign them; that a large number of them were distributed by his orders through the district over which he commanded; that a considerable amount of property was confiscated under the provisions of those proclamations, and delivered over to Captain Watson himself. Now, Sir, under these circumstances, I trust the noble Lord will relieve me from the implied censure contained in the statement which he made upon a former occasion, and that he will frankly admit that not I, but that unfortunately he himself, was made instrumental in stating what was not true in this House. I shall make no further observations, but simply ask the noble Lord whether he will lay the report of the commission upon the table of the House?

Lord J. RUSSELL: Sir, With respect to the former part of the statement of the hon. Gentleman, I have only to say that I made the statement that I did upon the letter which the hon. Gentleman has read; and that I still think it would have been better if the hon. Gentleman had reserved the charge he had to make against Captain Watson until the matter could be examined into, either in the Committee or by some person competent to make the inquiry. I must certainly admit, however, that the hon. Gentleman had grounds which were sufficient, as it would appear from circumstances that have been since brought to light, for bringing that charge against Captain Watson. The present state of the case is this:—The commissioners appointed in Ceylon to examine into this matter have made a report, which they say is only drawn up at the moment; but that they are going into a further consideration of the circumstances, and that they shall send a full report of their opinions, together with the documents and evidence which they have taken, by the next mail which leaves Ceylon for England. It is likewise the case, that Captain Watson having been informed of the report of the commission, and having seen that report, still declares that the assertion that he signed any such proclamation is totally false, and that any such signature of his name must be a forgery. Now, that being the state of the case, the commissioners appointed in Ceylon having stated that they are sufficiently satisfied by the evidence of persons who were employed to write them for him, and by the comparison of the signature with other proclamations which certainly were signed by him, that Captain Watson signed those proclamations; and Captain Watson, on the other hand, entirely denying the truth of that report, and still maintaining that his signature was a forgery, I think it incumbent on the Government not at once to arrive at any conclusion which shall be injurious to the honour of a British officer who has hitherto maintained a high reputation. I shall not, therefore, think it my duty to lay on the table that preliminary report of the commissioners, because I think it is our duty to wait till that full and complete report can be received, which the commissioners say shall be sent by the next mail, and then to take into consideration all the circumstances; and, at all events, in this certainly very strange and inexplicable case, to give to Captain Watson—an officer who, as I said before, has hitherto borne an unblemished reputation—every means of defending himself against a charge which, as it now stands, is not only a charge of inhumanity, but one which affects his veracity and honour. Any man labouring under such charges deserves to have the opportunity of refuting them.

MR. HUME said, that the noble Lord seemed to think that his hon. Friend the Member for Inverness-shire would have done better not to ask for the paper; but it was absolutely necessary that they should have this document to lay before the Committee. He believed that hundreds of those proclamations had been circulated, and that it would be proved that property to a large amount had been plundered, and that innocent persons who had never been tried, but who fled from fear and alarm of martial law, had been robbed under them. The noble Lord blamed his hon. Friend for having brought those proclamations under the notice of the House; but if he had not done so, the commission would never have been granted. He (Mr. Hume) did not want to say one word more on the subject, until the report should be before them *in extenso*, further than that from information he had received from persons who had attended the inquiry, he was bound to state that the inquiry had been a public one, conducted by two of the ablest public men in the East—one of them the senior Judge of Madras, and the other Mr. Rowe. They conducted the inquiry with open doors, and with the greatest courtesy towards all parties. He (Mr. Hume) had it from the witnesses who attended, that the whole matter was gone into with the most minute care, and that the proof was so ample that if Captain Watson himself had been present he would have been satisfied that he had made an erroneous statement. He (Mr. Hume) was sorry that the noble Lord did not think that which had already been laid before the Committee might be laid on the table, as it might greatly assist in any discussions on the subject. He hoped that the noble Lord would reconsider his determination, and lay the document upon the table according to the usual custom of the House, which ruled that whenever any portion of a document was read by any Member of the House, such document was to be laid in its complete form on the table. This report having been laid before the Committee was a public paper, and should, as he conceived, be placed without delay in the hands of Members.

MR. DISRAELI: I do not wish to question the propriety of the course adopted by the noble Lord. At the same time, I feel it a duty to express my opinion that my hon. Friend the Member for Inverness-shire is perfectly justified in the course he has taken. The second report of the commissioners will not have been received before Parliament is prorogued. My hon. Friend, therefore, would not have had another opportunity of vindicating himself; and in doing so now, he has only been discharging a duty to himself and to the House.

LORD J. RUSSELL: My hon. Friend the Member for Montrose misunderstands me, in supposing that I imputed any blame to the hon. Gentleman the Member for Inverness-shire for now bringing the subject before the House. What I stated was directed to the course he took at the beginning of the Session, in having made charges against Captain Watson before the Committee was appointed.

Subject dropped.

STEAM COMMUNICATION WITH AUSTRALIA.

Order for Committee of Supply read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

LORD NAAS* rose to move, as an Amendment—"That an humble Address be presented to Her Majesty, praying that She may be graciously pleased to order such measures to be taken as shall ensure the immediate establishment of regular Steam Packet Communication with the Australian Colonies." Before doing so he adverted to a petition in favour of that object from a number of merchants, landowners, stockholders, and other persons interested in the welfare of Australia. His Lordship commenced by observing, that the names attached to this petition were, he believed, a sufficient apology for, even at this late period of the Session, submitting the present question to the consideration of the House. Among the names in that distinguished list are to be found those of persons connected with some of the most eminent banking firms of the metropolis, as well as the directors of the various Australian banks, and many other houses of the highest commercial character in this kingdom. The evils complained of in the petition are felt by every person connected with these great colonies; and at no period, and on no occasion, had the inconvenience been more severely felt than during the past year. In the late discussions on a most important question, much doubt and uncertainty was felt, occasioned solely by the absence of definite information on some most vital points. It had been admitted by hon. Members on both sides of the House, that owing to the great length of time occupied in communicating with Australia under the present arrangements, there had been no means of knowing what was the real opinion of the colonists upon the Australian Colonies Bill. The consequence was, that during the whole of the debates on that question, the manner in which the proposed measure would be received in the colonies concerned, was made as much a matter for argument as the details of the Bill itself. The noble Lord at the head of the Government was on more than one occasion obliged to refer to the files of the Sydney newspapers for information as to the opinion of the colonists, the intelligence in them having in point of fact been considerably in advance of that received in the Government despatches; and the noble Lord was reluctantly compelled to refer to journals obtained at the Jerusalem Coffee-house as the only data he had for assuring the House that the colonists were favourable to his measure. During the last year, intelligence received from Sydney direct was often five or six months' old. Letters to this country were, in consequence, frequently sent by various and uncertain routes—some by sailing vessels to India, and thence by the Overland line of communication, to save the long and tedious sea voyage round Cape Horn. It appeared from some interesting statistics compiled by Mr. Lambert, of the firm of Donaldson and Lambert, that in 1847 the longest voyage between Sydney and London was 159 days, and the shortest 99; the average being 121. In 1848 the longest passage was 159 days, and the shortest 94; the average being 119. Out of 520 ships which had sailed between this country and Sydney during the last ten years, the greatest number took from 121 to 130 days on the passage. On the other hand, were steam communication established between this country and Australia, it might be effected within 70 days at the outside, by any of the routes which had from time to time been brought under the consideration of Government.

There were three lines of communication now before the public, namely, the route by the Isthmus of Panama, which was 13,600 miles; the route by the Cape of Good Hope, which was 13,230 miles; and the route by Suez and Singapore, which was 12,699 miles by the eastern passage, or 12,565 miles by the western. Steam communication was already established along a considerable portion of the Panama line as far as Chagres, from thence the mails and passengers would have to proceed across the isthmus to Panama, and then take ship again on the Pacific. The steamer would touch first at the Galapagos Islands about 800 miles from the western coast of America, then at Tahiti, and thence to Sydney; the intervening stages would be very long, and give a dead run of 3,400 miles. Though there was no doubt that hereafter there would be much communication between Polynesia and the west coast of America, an event that will be hastened by the great discoveries in California, yet at present he hardly thought that any great or productive traffic could be expected for steamers traversing regularly the great Pacific.

The second competing route was one which had attracted considerable public attention; it was that by the Cape of Good Hope, either passing westwards of or touching at the Cape Verde Islands and Madeira; from the Cape it was proposed to run right across to Cape Leeuwin, and touching at King George's Sound, proceed by Adelaide round to Sydney. In returning, the passage must necessarily be made more to the north, touching at the Mauritius.

With regard to the Cape of Good Hope route, it was impossible to look at the map and not see that great advantage would accrue from the adoption of that line. There would be no interruption in the communication between this country and Sydney; there would be no necessity for any transhipment of goods and passengers; the passage could be accomplished by steam in 70 days; and it would establish a postal communication between this country and the western coast of Africa. It was, besides, a more valuable line for the purpose of emigration than either of the others. Though he did not believe that steam is ever likely to be available for the conveyance of the poorer class of emigrants, yet still there is no doubt that the establishment of regular steam transit would be a great inducement to the better class of emigrants. The Cape route by screw steamers would undoubtedly be within the means of those classes now called cabin and intermediate passengers, and he believed that for these purposes alone a regular line of packets would soon be established. Persons could be taken in screw vessels by this line for 90*l*. or 100*l*. in the best cabin, and for 30*l*. or 40*l*. as intermediate passengers. But it must be recollected that on both the lines to which he had alluded the service may necessarily be confined to screw steamers, as in the present state of machinery the long dead run from Galapagos to Tahiti in one instance, and from the Cape of Good Hope to Cape Leeuwin in the other, may preclude the possibility of paddle vessels being employed.

The third line was one which had attracted the greatest share of public attention. It was to continue the present line of the Indian Overland Mail, taking up that line either at Point de Galle or Singapore. It was still a matter of doubt whether the passage from Singapore could with sufficient safety be made through Torres Straits. However, there was no difficulty about performing the distance by the western coast, returning the same way, or by Torres Straits, according to the season of the year. This line would have the advantage of giving the Australian colonies direct communication with India, between which two countries there was already an extensive commerce and increasing intercourse, and would confer great advantages on both the Colonial and Indian interests.

He would next call their attention to the various steps which had been taken to secure steam communication between this country and Australia. In 1844 the Legislative Council at Sydney moved a resolution declaring that it was highly desirable that such a communication should be established; they addressed the Governor on the subject, and also sent a petition to the Crown. In 1846 they appointed a Select Committee to inquire into this matter, which examined all the mercantile men most conversant with the subject, and naval officers of great eminence who were engaged in making surveys between Sydney and the Indian Archipelago. Captain Blackwood at this time discovered what he considered a safe channel through Torres Straits, and this discovery was confirmed by the researches of Captain Owen Stanley, by whose recent and untimely death the country has been deprived of the services of a most gallant and efficient officer. Such was the zeal of the Legislative Council in the cause, that they voted a sum of 6,000*l*. a year to forward it.

Much interest was also excited in this country on the subject; petitions have been repeatedly presented to this House, various public meetings were held, deputation after deputation waited upon the different Ministers, all embodying the one simple desire that a regular communication with Australia should be speedily established. His hon. Friend the Member for Berwickshire (the Hon. F. Scott) had particularly distinguished himself by his able advocacy of the great advantages which would arise from the completion of this project. Mr. De Salis and Mr. Logan, both colonists, gentlemen of great respectability and practical knowledge, had also been unremitting in their exertions in the same cause; and he might frankly say that the progress which this question had made during the last two years, in public opinion, was mainly attributable to their energy, ability, and perseverance. The consequence of all this was, that the Government issued notifications for tenders, and several overtures were made by parties who were desirous of undertaking to supply the existing defect in our communications. The India and Australian Steam Navigation Company made an exceedingly low tender for the performance of the service, which was approved by the Government; and by some official manœuvring of a most extraordinary kind, they were allowed six months to complete their arrangements, without security; though when their tender was accepted, they were supposed to have raised but little capital, and had but few shares actually subscribed for: the consequence was, that after keeping every *boná fide* undertaking in abeyance for several months, the whole affair fell to the ground, and the company has lately been entombed in the "Winding-up Court." Of all the offers, however, that had been made, the most eligible was that by the Peninsular and Oriental Steam Navigation Company, who, on condition of having given up to them the right of carrying the mails from Bombay to Suez, now performed by the East India Company, offered to discharge the service of the line from Singapore to Sydney free of further cost. The East India Company, for reasons of which they best knew the weight, would not consent to this arrangement, and consequently it was, for the present at least, defeated. Many other offers, both for the Cape and Panama routes, and also for screw steamers from Singapore, were made, but were not approved of by the Government. Thus the matter rests, and it is deplorable to think that at this moment the colonies seem as little likely to obtain this inestimable boon as ever they were. Such a state of things is the more to be regretted as the expense to this country would be only trifling. Grants to the amount of 10,000*l.* or 12,000*l.* might fairly be expected from the colonial legislatures, and the whole sum to be raised towards the expense of the services, including postal revenue, might, at the very least, be placed at 40,000*l.* a year. He arrived at this conclusion from a statement issued by the Association for promoting Steam Communication with Australia. The advantages flowing from the adoption of this line must be evident to everybody who gave the subject the slightest consideration; politically, socially, and commercially, it would produce the greatest possible benefits. Politically, it would furnish us with a steam navy to which the defence of the eastern seas might be entrusted with confidence in case of war; and that it was high time measures of some sort should be taken for defending our ports in those seas against hostile attacks, must be clear to all those who had read the account of the United States Exploring Expedition by Commodore Wilkes, in which it was stated that the American ships were able to effect their entrance at nightfall into the harbour of Sydney without being perceived by anybody, and that it would be easy for a hostile force thus entering to destroy the shipping at anchor. He would read the following extract from Commodore Wilkes' narrative of the voyage of the United States Exploring Expedition:—

> "At sunset on the 29th November, 1839, we made the lighthouse on the headland of Port Jackson. We had a fair wind for entering the harbour, and though the night was dark, and we had no pilot, yet, as it was important to avoid any loss of time, I determined to run in. At 8 p. m. we found ourselves at the entrance of the harbour. Here a light erected on the shoal, called the Sow and Pigs, since the publication of the charts, caused a momentary hesitation, but it was not long before it was determined where it was placed, and with this new aid I determined to run up and anchor off the Cove. In this I succeeded, and the 'Peacock,' directed by signal, followed the 'Vincennes' at half-past 10 p. m. We quietly dropped anchor off the Cove, in the midst of the shipping, without any one having the least idea of our arrival. When the good people of Sydney looked abroad in the morning, they were much astonished to see two men-of-war lying among their own shipping, which had entered the harbour in spite of the difficulties of the channel, without being reported, and unknown to the pilots."

The presence of powerful steamers in the Eastern Seas and the Southern Pacific would give additional stability to our Indian empire; and, in case of need, English subjects in more distant regions would be supplied with a great material for mutual defence.

Commercially, it would have the effect of at once establishing confidence among our merchants in their transactions in those seas, and prevent the calamity which too frequently occurred of overstocked markets. It would also enable owners to effect insurances on their ships, and tend most materially to increase the growing commerce between this country and her colonies. And the House would recollect what the nature of this trade is. The inhabitants of Australia and New Zealand now amount to 320,000, and consume British goods to the value of 10*l.* per head annually. Therefore it is a matter of absolute necessity that such a regular communication as is in the power of Government to accomplish should be immediately established.

Socially, it would grant the inhabitants of this immense and important region the inestimable blessing of easy and certain communication with their friends and connexions in the old world. It would form the brightest spot in many a poor emigrant's future to feel that he was certain of regular and continued intercourse by letter with those loved ones whom he had left for ever. It would bring gladness to many a humble hearth in this country, when instead of the present uncertain and weary watching, those still at home would hear regularly of the welfare of the hardy son or brother who is pushing his fortune in the Australian bush. For all these reasons he submitted this Motion to the House. He did it in no spirit of hostility to the Government, least of all was it his wish to express an opinion in favour of any particular line; that, he believed, was a matter that could only be properly decided on by the Executive Government. But he did think that this country and her colonies demanded that this noble scheme should at once be perfected. His Lordship concluded by saying, I do hope that this service will be carried out in no niggardly or interested spirit, but that so gigantic an enterprise will be completed in a manner worthy of itself and of the genius and requirements of this mighty empire.

LORD J. MANNERS seconded the Motion.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that She will be graciously pleased to order such measures to be taken as will insure

the immediate establishment of regular Steam Communication with Her Australian Colonies,' instead thereof."

The CHANCELLOR OF THE EXCHEQUER said, that the object of the noble Lord would probably be answered by his having called the attention of the House to this very important subject, and hearing his (the Chancellor of the Exchequer's) statement of the circumstances which, up to that period, had prevented the establishment of any such plan as that to which the noble Lord had called the attention of the House, and the importance of which he acknowledged as fully as the noble Lord could desire. The noble Lord had, he thought almost unnecessarily, occupied the attention of the House in proving that which he (the Chancellor of the Exchequer) thought was pretty self-evident—namely, the advantage and importance, both to this country and the Australian colonies, of a more rapid and certain communication between them. Now, he could assure the noble Lord that he had been as anxious as any one could be to see such a communication established; and he confessed that it was with feelings of great regret that he had to say at the close of the Session that the measures which he had in contemplation for accomplishing that object had not been carried into effect. The noble Lord had very correctly stated the measures which had been proposed on this subject. It was quite true that in the course of the last autumn tenders were invited for the conveyance of the mails between this country and the Australian colonies. Tenders were sent in from different parties for different routes, between which the Government had to decide; but the adoption of the route which Her Majesty's Government considered to be by far the most advantageous to this country and to the colonies did not depend only upon their opinion. The route which they desired to adopt was one that, whilst it would afford a communication between this country and the colonies, would also attain that other very important end to which the noble Lord had himself alluded; that was to say, it would afford a communication between the territories of the East India Company and the Australian colonies—a matter of the utmost consequence to both of them. It would also tend to foster and develop the trade between the Chinese and those Australian colonies; a result which would be of great importance to the latter.

The offer of the Oriental Steam Navigation Company was, in his opinion, of a character so advantageous that he extremely regretted that circumstances should have prevented its acceptance. In order that the House might fully understand the case, he perhaps might as well state what was the communication at this moment between this country and the East. There was one line of steam communication in the hands of the Peninsular and Oriental Company, which, for the sake of distinction, he would call the Calcutta line, which carried mails to Calcutta and also to China once a month. That was carried on under a contract, which would expire in the course of two years. There was another line, which, for the sake of distinction, he would call the Bombay line, running from Southampton to Alexandria, and which was carried thence to Bombay. That portion of it between Southampton and Alexandria was discontinued two years ago, and the letters were now sent overland to Marseilles, then proceeded to Malta, and from Malta to Alexandria in a Government steam vessel. The East India Company conveyed them to Suez, and from thence to Bombay. The cost of that portion of this service between Suez and Bombay alone where it stopped altogether, as appeared from the evidence taken before the Committee who had sat upon the subject, was 100,000*l*., one half of that sum being paid by the East India Company, and the other 50,000*l*. by this country. He would now state the plan which he had been anxious to adopt. The Bombay line was to be confided to the Oriental and Peninsular Company, who would convey, as formerly, what was called the "heavy mail" from Southampton to Malta, proced thence to Alexandria, and thence to Bombay and Singapore; at Singapore there would be two lines, one line going to Hong-Kong, the second line embracing the whole of the Australian colonies. They were also to establish a line direct from Calcutta to Singapore, joining the other line from Bombay, so as to establish a second line between this country and China, a direct communication between Calcutta and China, and a direct communication between China and the Australian colonies. They offered to perform the whole of these services for 105,000*l*., that was to say, for an additional sum of 5,000*l*. beyond the present cost of the line from Suez to Bombay. He considered this to be a most advantageous offer for the public, and he had been most anxious to adopt it. They proposed to carry the mail from Bombay to Singapore and Hong-Kong, and also go round the Australian colonies. The present arrangement, however, being a joint arrangement between this country and the East India Company, it was not in his (the Chancellor of the Exchequer's) power to make a new arrangement without their assent. For reasons which no doubt to them seemed conclusive, they had declined being parties to any new arrangement such as that to which he had referred. He saw his hon. Friend the Deputy-Chairman of the East India Company present, and he felt sure that that hon. Gentleman would state the reasons which had induced the East India Company not to become a party to such new arrangement. He (the Chancellor of the Exchequer) was aware that they were very anxious to maintain in a state of complete efficiency the Indian navy, an object the importance of which he fully acknowledged. He had endeavoured in vain to overcome their objections as to the supposed effect which such new arrangement might have on the efficiency of the navy, by stating that, as regarded the conveyance of the mails by vessels in the service of Her Majesty, his right hon. Friend the First Lord of the Admiralty and his predecessors had wisely substituted contract vessels for vessels in the service of the Crown. He believed that in that manner the service could be far more efficiently and far more economically performed. The East India Company had stated that the maintenance of this service, as performed by their vessels, was necessary for the maintenance of the efficiency of the Indian navy. Now he could not think that it really was so, because it was obvious that if any occasion should arise requiring the service of the Indian navy, it would be impossible to withdraw the vessels employed in the packet service: it would be necessary rather to send additional vessels to protect the packet service during a time of war or hostilities. The East India Company had made some objections with regard to the existing contract upon the Calcutta line. With regard to that he had only to say that upon that point he reserved to himself an unfettered liberty to deal with the Calcutta line as he chose on the expiration of that service. The contract with regard to that line was altogether independent of any other communication. When he considered how beneficially the new arrangement, which would embrace China and the whole of the Australian colonies, would be to the commerce of those places and of the mother country, he could not help expressing his extreme regret that it had not been accepted by the East India Company. He had now explained the situation in which the conduct of the East India Company had placed him with reference to this question. He hoped, however, that before the present contract expired, they might be induced to change their views on this matter, and consent to adopt the course which had been suggested by Her Majesty's Government, and which he believed would be most beneficial to all parties concerned.

Sir J. W. HOGG entirely concurred with the right hon. Gentleman as to the great advantages of a steam communication between this country and Australia. The right hon. Gentleman, however, had not confined himself to the question before the House, but had taken a course uncalled for, very uncandid, and very unfair. The other night, when asked to produce such communications on this subject as were in his hands, the right hon. Gentleman refused to do so, alleging that they were confidential. But now the right hon. Gentleman made a speech, almost the whole of which consisted of the purport of those communications, coloured in such a manner as to support the views of the right hon. Gentleman on this question. He (Sir J. W. Hogg) would now observe that he would move for the production of those papers, which would enable the House to arrive at something like a correct judgment of the merit of the proposition which had been so much commended by the right hon. Gentleman. The right hon. Gentleman, in alluding to the line which the East India Company had from Suez to Bombay, suppressed a most important fact. When steam navigation between this country and India was first established, the first question that arose was, with whom shall the communication between Suez and Bombay rest? There were political considerations of great importance involved in the consideration of that question. Those political considerations were submitted to the Cabinet of that day, and the Cabinet determined that for important reasons the communication between Suez and Bombay should rest in the hands of, and be performed by, the East India Company. Upon that distinct understanding—that being the condition precedent before the East India Company would entertain the proposition—a steam navigation was established, the East India Company contributing largely to it. Now, he would ask the House whether it was fair, by indirect means, to get rid of that condition precedent, which had induced the East India Company to take the part which they had taken with regard to this matter. When the communication was first established, there were what the right hon. Gentleman called "heavy mails." One of them was abandoned. Why was it abandoned? Was it abandoned for the sake of the public? It was abandoned because it was represented to be a useless expenditure. He was exceedingly happy to find that the intercourse between India and this country had so much increased, that the resumption of that double line was deemed necessary. He was glad too to hear that the Oriental and Peninsular Company was in a flourishing condition; but do not let the right hon. Gentleman suppose that the offer which they had made had been made with a view to the public service. That company consisted of enterprising men, and he hoped that they would continue to receive large rewards for their labour. But he did not think that, notwithstanding their enterprise, the House or the country would submit to the renewal, on the old terms, for a further ten years, of the contract on which they had made such large profits. He had to complain, in the name of the East India Company, that the right hon. Gentleman had proposed to enter into a new contract with the Oriental and Peninsular Company, without communicating on the subject with the East India Company. The right hon. Gentleman, by way of showing the liberality of the former Company, had said that, for 5,000*l.* additional, they proposed to carry the mails to Singapore and to the Australian colonies. His (Sir J. W. Hogg's) answer to that was — they might well indeed make such a proposition, seeing how extravagantly the Government proposed to pay them for the other portions of their journey. The East India Company wished to see the most efficacious method of communication between this country and Australia. Whatever that might be, they would be happy to lend it their aid. But they did complain that the right hon. Gentleman had unjustly charged them with obstructing the attainment of such an object. What right had he to assume that this was the only plan which would accomplish the object for which they were all desirous? Where were his tenders, his estimates, and their answers? In the public papers of the day there was an advertisement put forward for a communication with Australia and the Cape. Why should such a communication be effected by two different companies? As he had said before, they were willing to support a fair and rational system when it was brought forward.

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman was incorrect in stating that he did not communicate with the East India Board upon the matter. On the contrary, when he had made up his mind— [Sir J. W. Hogg: Yes, when you had made up your mind.] As to the best route—of which the Government, and not the East India Company, were the best and proper judges —he immediately sent to the late lamented Chairman of the East India Company, and stated the facts of the case to him.

Mr. ANDERSON,* although reluctant to take part in any discussion on a question in which his personal interest might be supposed to be involved, felt compelled by a sense of public duty to contradict some of the mis-statements into which— no doubt from an insufficient knowledge of the matter—the hon. Baronet the Deputy-Chairman of the East India Company had fallen.

He begged, in the first instance, distinctly to deny that the adoption of the plan and proposal submitted by the Oriental Steam Company involved the renewal for a further term of ten years of the existing contract with the company for the Calcutta and China mails, as asserted by the hon. Baronet. On the contrary, the adoption of the proposal referred to would leave Her Majesty's Government at perfect liberty to deal with that and the other existing contracts with the company, on their expiration, in such manner as might be considered most beneficial for the public interest.

He also could not but feel surprised at the observation of the hon. Baronet as to the supposed enormous profits which the company were making by these contracts. The hon. Baronet was Member of a Select Committee which sat last Session to inquire into that very subject, and he could, therefore, scarcely be ignorant of the facts proved in evidence before that Committee; namely, that the company voluntarily placed their books and accounts in the hands of inspectors appointed by the Government, who reported that the company were deriving no more than a fair commercial profit from their contract mail services.

The hon. Baronet also spoke of a monopoly enjoyed by the company, and the inexpediency with reference to the public interest of extending it, by adopting the plan submitted by them in connexion with the establishment of a communication with Australia. [Sir J. W. Hogg: I did not use the word monopoly.] If the hon. Baronet did not use the word, his observations certainly imputed to the company that they possessed and exercised a monopoly. Now he (Mr. Anderson) contended that the only advantage which the company possessed was, that of being able, from the position in which they had placed themselves by their own enterprise, to undertake the public service in the East upon more advantageous terms for the public than other parties could do. And to illustrate this he need do no more than refer to the fact, that by their present plan and proposal they offered to the public no less than 332,000 miles per annum of additional steam communication, forming an extensive means of facilitating and increasing the commercial intercourse of this country and of our Eastern empire and colonies, for the same cost as that of the Bombay and Suez service, of 70,000 miles only, as now performed by the East India Company—that service being a mere postal communication, and forming an obstruction to commercial intercourse—that obstruction being in fact the reason for requiring its relinquishment in order to a full development of the plan alluded to. As to monopoly, what had the Oriental Company done? They had not blocked up the ordinary passage to India. They had only opened up a new and improved route for those who might choose to avail themselves of it. There were, in fact, a greater number of passengers to and from India by sailing vessels *viâ* the Cape of Good Hope now than previous to the establishment of the Oriental Steam Company; and that company has now to maintain an active competition with those splendid passenger ships — the finest merchant ships in the world, besides a competition in the Mediterranean with the Austrian line of steam packets between Alexandria and Trieste, and the French packets between Alexandria and Marseilles—a competition which compelled the company not long since to make a considerable reduction in their fares.

With respect to the condition precedent, to which the hon. Baronet alluded, and by which he seemed to infer that the East India Company had a vested interest, in perpetuity, in the retention of the Bombay and Suez service, he (Mr. Anderson) happened to know something of the origin of that service, and would state that it was, on the recommendation of a Committee of the House of Commons, established at the joint expense of the Imperial and Indian Governments, as a temporary expedient only, until private enterprise might be induced to take it up. If any hon. Gentleman doubted this, he would refer him to the speech of Mr. Charles Grant, on moving for that Committee, and which he thought would effectually dispose of the hon. Baronet's condition precedent.

The hon. Baronet had expressed his inability to comprehend what the line between Bombay and Suez had to do with a communication with Australia. Now, it was not very easy to explain this in detail without reference to a map; but he would answer the question by stating that the principal object of the company with which he was connected, in combining other lines of communication with the proposed one to Australia was, to obtain the largest amount of commercial traffic, and thereby to reduce the cost to the public of the postal service. That plan could not be fully developed so long as the East India Company retained the Bombay and Suez line, because that company were prohibited by their charter from carrying on commercial traffic—their ships could not carry merchandise — and therefore formed an obstruction in the proposed plan of commercial intercourse.

Whether the realisation of the extensive plan of steam communication submitted by the Oriental Steam Company, or the frustration of that object, in order to continue in the hands of the East India Company the monopoly of the Bombay and Suez service, will be most beneficial to the public interest, was a question which he considered might safely be left to rest on its own merits and the decision of the Government; and but for the mis-statements of the hon. Baronet, he should not have troubled the House with a single observation on the subject.

Mr. AGLIONBY said, the main, if not the sole objection, taken by the Chancellor of the Exchequer to the Motion, seemed to be on the ground that it prayed for the "immediate" establishment of regular steam communication with the Australian colonies. As some of the statements made had been disputed, and the papers and correspondence between the Government and the East India Company were not yet before the House, he would avoid making any allusion to the objections which were stated to have been raised on the part of the East India Company. He hoped, however, that some measures would be taken on this important subject; and if the noble Lord would leave out from his Motion the word "immediate," he (Mr. Aglionby) would give it his cordial support. He was most anxious that the House should express its desire that steam communication should, at the earliest practical moment, be established with the Australian colonies. He understood from the right hon. Baronet the Chancellor of the Exchequer, that, after deliberate consideration, the Government thought the best route for steam communication with Australia was that proposed to be established by contract with the Peninsular and Oriental Steam Company. They had heard what the objections to that scheme were, and he hoped they might be removed at a very early period. Allusion had been made to the establishment of a steam communication with New Zealand, and he understood that the Peninsular and Oriental Company were perfectly ready, as soon as the contract with the Government was completed for a steam communication to Australia, without any further stipulation or payment, to establish, by means of an extra steam-vessel, a monthly communication between Australia and New Zealand. He believed such a measure would be attended with the greatest advantage not only to the colonies but to the mother country, and he hoped the plan would speedily be carried out.

Mr. SIMEON said, that a petition had been entrusted to him to present to the House by the Canterbury Settlement, which had just left this country, and he regretted that the forms of the House did not permit him to present it. He had the greatest pleasure in referring to it, and he believed that the emigrants were filled with a high religious zeal and enthusiasm, as well as with the most elevated feelings of patriotism and attachment to the institutions of this country. He hoped the discussion of that night would have its effect next Session, and that if the right hon. Gentleman the Chancellor of the Exchequer found that the objections to the measure now proposed were insuperable he would then turn his attention to some other method of establishing a communication with the Australian colonies, either by the route round the Cape, or across the Isthmus of Panama, for instance, which he believed would ultimately be found to be one more conducive to the interests of the colony of New Zealand than the plan which was now proposed.

Mr. SCOTT hoped he might obtain for a few moments the indulgence of the House, since, during a period of not less than four years, he had, to the utmost of his power, endeavoured to show the importance of establishing a line of steam communication with our Australian possessions. He desired to state, likewise, that he had been honoured by having entrusted to him for presentation two petitions on the subject, which the forms of the House prevented him from presenting on that day; the one was signed by from 1,000 to 12,000 most influential persons in the city of London, including the house of Rothschild and others; another signed by persons interested in the Australian trade, both praying for the establishment of steam communication with Australia. These, he believed, had been given to him from the circumstance of his having, four years since, had the honour of presiding over a committee of gentlemen connected with the city of London, who submitted a memorial to the Government, praying that such a line of communication might be established. From that period to the present time, ardent and anxious representations to the same effect had poured in both from the colonies and commercial men in this country, who were interested in the colonial trade; and so frequently had they been alternately encouraged and disappointed, that they were well nigh wearied with the vacillation and uncertainty they had met with—for "hope deferred maketh the heart sick;" and now, when they were again buoyed up with the hope of an arrangement being completed, they were again doomed to fresh disappointment from a new and unexpected quarter.

The right hon. Baronet, in discussing this important question, had made it the occasion for casting the blame of the failure on the East India Company; but he did not think that the Government had thereby justified its own conduct in the transaction. While he would not excuse the East India Company for the course they had taken on the subject, neither did he think the Government had regarded, as they ought to have done, the commercial or even the political interests of this country, in so long delaying the establishment of steam communication with Australia.

The Government had at different times issued circulars for tenders for a line of steam packets, and they had induced parties to come forward; but they had thrown overboard those who were willing and able to carry out the plan, and they had entertained the tenders of persons who could not carry the scheme into effect.

It was remarkable that though a line of steam communication existed between this country and almost all foreign Powers, as well as almost all our colonial possessions, nevertheless that great agent of civilisation, steam, had not been extended to Australia, which, though the youngest, was certainly one of the most important of British dependencies; and the petitioners stated that the trade of those colonies imperatively demanded that communication. If the House would bear in mind the vast influence which the wools of Australia had upon the industry of Great Britain, giving employment to more than one-third of all the operatives engaged in the woollen trade, if it would consider the falling-off in the supply of cotton, it would see the necessity of extending the advantages of intercourse by steam with the Australian colonies, and that it was of the greatest importance that a squabble between the Government and the East India Company should not be suffered to prevent the commerce of both countries from enjoying the benefits of rapid communication, especially those that would arise from having early and certain information respecting the prices in the market.

His noble Friend, in bringing forward the Motion, had declared distinctly that it was not his object to specify any particular route, but to call the attention of the Government to the necessity of establishing some line of steam communication with Australia. Neither was he (Mr. Scott) the advocate of any particular route, insomuch that one petition which had that day been entrusted to him, signed by many most respectable merchants engaged in the Australian trade, prayed for the establishment of a line of steam by way of the Cape of Good Hope.

In respect of emigration, he thought the Cape line had decided advantages as a continuous and unbroken route, and the petitioners state that it is equal in regard of speed; still he agreed with the Chancellor of the Exchequer in thinking that the line which the Government suggested, offered the greatest advantages as a postal line of communication; and it had this peculiar advantage, that the line was already carried out throughout the greater part of the distance; and that only about 4,000 miles remained to effect its completion; moreover, all the financial objections arising from expense would have been done away with by the proposal now made, if the East India Company, by surrendering the Suez and Bombay service, would have allowed the Australian line to be carried out without any additional cost to the mother country.

The hon. Baronet (Sir J. Hogg) had spoken of the large sums the East India Company were paying for keeping up the steam communication with India, but he had said nothing of the large sums the company were receiving for that service. [Sir J. W. HOGG: The Government received all the postage.]

But if he (Mr. Scott) was not mistaken, the Government paid a considerable sum for the conveyance of the mails. That sum, 50,000*l.* per annum, which is now paid for a steam conveyance of 70,000 miles, would, in the event of the proposed arrangement with the Peninsular and Oriental Company being carried out, have been sufficient to have given this country the benefit of a steam communication of 360,000 instead of only 70,000 miles.

He could not help thinking that the position the East India Company had assumed on this question was such as would lead the country and this House to inquire somewhat carefully into the propriety of renewing their charter on the same terms. The hon. Baronet had spoken of the importance of maintaining the Company's navy; but is this country to pay 50,000*l.* a year towards keeping up the Company's navy, and to pay for its own navy into the bargain? It would behove the House in entering into the Navy Estimates to see whether they could not cut down those estimates by the amount of part of the cost of the fleet which is now maintained in the Indian and Chinese Seas. If they were to pay 50,000*l.* to the East India Company for that purpose, they ought to be relieved of a corresponding sum in the Navy Estimates.

When they considered the political and commercial interests involved—when they perceived the strides taken by the United States in occupying seas with regular and rapid lines of steam navigation to our prejudice—when they took all these things into account, he thought the country had a right to claim that the Government should allow no further delay to be interposed in a matter of such vital importance to the commerce and to the interests of this country and its dependencies, as the establishment of a regular and rapid line of steam communication with the Australian colonies.

MR. MACGREGOR would not detain the House more than a few minutes; but having presented a petition from his own constituency, signed by nearly every merchant in Glasgow, having for its object speedy communication with the Australian colonies, he felt it to be his duty to say one or two words. The Australian colonies now had a population of 300,000, and produce one of the staple articles of our manufactures in great plenty. It was therefore of the greatest importance that communication with those colonies should be as cheap, as speedy, and as frequent as possible. The contract with the Peninsular and Oriental Steam-ship Company must be considered at a period when the House would have also to consider the charter of the East India Company. He must say that the conduct of that (the East India) Company was not wise or proper, either in an economical or political point of view. He must express his conviction that that Company had acted unwisely in rejecting the proposition of his right hon. Friend the Chancellor of the Exchequer. He thought that, if the East India Company would reconsider the subject, they would find it to be for their benefit, and for the commercial advantage of this country, that a speedy and effective communication with the Australian colonies should be established, as its necessity was becoming every day more obvious and important. It was a matter of much regret that the bi-monthly communication with India had been stopped, and no doubt could exist but that the present mode of transit between Suez and Bombay was most unsatisfactory, for the ships carrying the mails could carry only a few passengers and little merchandise; indeed, there was hardly room for the passengers' baggage. He believed the wisest course would be to leave this matter altogether in the hands of the Government, believing that their determination was as speedily as possible to take measures for carrying the desired communication into effect.

MR. HENLEY, having had the honour of presiding over a Committee of the House in which these matters were discussed last Session, thought it right to make a few observations. It was not his intention to enter into the question as to whether or not the East India Company ought to maintain in their own hands any part of this communication. The principal object he had in view in rising was, to express his opinion that the statement of the right hon. Baronet the Chancellor of the Exchequer was not satisfactory as to the economical part of the arrangement; for his explanation implied that, without looking at the abstract merits of the question of cheap or dear communication, he had confined himself to the relative, and only considered that it was cheaper than before. The agreement for the carriage of the mails from Suez to Bombay could only be defended on this principle: it was cheaper than before; and that was all that could be said in its favour. The right hon. Gentleman said, "We have paid so much, and we get much more extensive services for *5,000l.* a year more." He (Mr. Henley) must say that he thought the present cost of the carriage of the mails between Suez and Bombay was extravagant, it was something about *24s.* or *25s.* per mile. The Chancellor of the Exchequer seemed to run away with the idea that, because the contract was to be performed with an inferior rate of mileage than before, he had done a great service; but the real question was, not how much had been paid before, but what was the sum which it was fair and just to pay now.

MR. HUME had always thought that steam navigation would prove most useful to the colonies, and remained of the same opinion. He thought that, if this discussion had come on before the proceedings of the results of which they had now to complain, it would have been much better for the public. He had risen for the purpose of suggesting that they ought now to close the discussion, and have the correspondence laid before the House. It was impossible to discuss the charges made against a great public body like the East India Company, without knowing the grounds upon which those charges were made—in short, without having the whole correspondence before them. He was very anxious to see this communication effectively carried out, and must say, in justice to the Peninsular and Oriental Company, as far as he could learn, that they had performed their part ably and efficiently. He much regretted that the Government had felt it to be their duty to leave off the bi-monthly mail, and thought it ridiculous that there should be a weekly mail to America, whilst there was only a monthly one to India. He hoped the correspondence to be laid before the House would show the colonists that the Government was sincerely desirous of promoting speedy and easy communication between them and the mother country. He believed that the contract with the Peninsular and Oriental Company, in opening a communication with the Black Sea, had increased the trade between England and those countries to an extent which had never been dreamt of. He was inclined to think the route between Ceylon and Australia the preferable one, but had not sufficiently studied the question, and was not conversant enough with the other routes to be able to give a decided opinion. The House had a right to know the facts upon which the Government had come to the conclusion to which they had arrived, and he trusted the correspondence would be produced before the termination of the present Session.

Mr. DIVETT said, that after the able statements of the noble Lord, and his right hon. Friend the Chancellor of the Exchequer, it would be unnecessary for him to trouble the House for more than a few minutes. He rejoiced that this discussion had taken place; for there had been rumours afloat, which he could hardly believe, to the effect that the East India Company had been throwing difficulties in the way of the advantageous arrangement sought by Government; and the speech of the hon. Baronet (the Deputy-Chairman of the East India Company) more than confirmed these rumours, and put the matter in its true light. Nor did the tone and temper of the hon. Baronet (Sir J. W. Hogg) at all tend to mitigate what would be the indignant feelings of the public, and of those interested in Australia, as respected the Company he represented. His only argument against the Chancellor of the Exchequer, if one, seemed to be rested mainly on his offended dignity, and was utterly unworthy of a man of his high character and talents as a statesman; especially when occupying the proud position of Vice-Chairman of the East India Company. This attack, moreover, on the Chancellor of the Exchequer, was uncalled for and most unjust. He could state, from his own knowledge, that the right hon. Gentleman had no wish to have this question brought forward in the House, and had urged him (Mr. Divett) on several recent occasions not to moot it, under the belief, he supposed, that the East India Company would become more reasonable and accommodating than they had ultimately proved themselves to be. The statement made by him to-night was forced from him, not volunteered, as the hon. Baronet seemed to assume. He (Mr. Divett) had no other than the most friendly feeling towards the hon. Baronet and the East India Company; but he was bound to tell them now, that they had placed themselves in a false and invidious position as respected the question, and one which would be considered by many as of a hostile character. He could say, from his own experience in the long period during which he had been impressed with the necessity of more speedy intercourse with the Australian colonies, as an essential step in the safe development of their vast resources, that it was impossible for a man to feel more strongly than the Chancellor of the Exchequer the importance of steam communication with Australia, or to be more anxious to use all the powers of his official position towards carrying it out as soon as possible. He thought, moreover, that the hon. Gentleman (the Member for Oxfordshire) was quite in error in assuming that the proposed arrangement would not prove an economical one. He (Mr. Divett) thought it very much so; this had been demonstrated by the Chancellor of the Exchequer; and surely it required no elaborate calculation to show, that procuring a steam communication in the East, to the extent of 350,000 miles, on the same terms as those on which about 70,000 were now performed, could not be otherwise than both an economical plan, and an enormous public benefit—to the effecting which, the East India Company was now the sole stumbling-block. He was glad that a new light had come over the hon. Baronet as to the publication of the correspondence with the Government, as on a former occasion he (Mr. Divett) understood him to dissent to its production; and he now hoped that there would be no further delay in its appearance, that a fair judgment might be formed of the conduct of those who had been parties to it. He thought the Australian public would feel deeply indebted to his noble Friend (Lord Naas) for originating this Motion; what was wished had been effected; and he (Mr. Divett) hoped the noble Lord would not divide the House.

Sir J. W. HOGG rose to explain. The hon. Gentleman who had just sat down had represented this as a question of offended dignity on his part. Now, so far from this being the case, he had not the honour of filling the post of Chairman or Deputy Chairman of the East India Company at the time this correspondence took place. The hon. Gentleman had made an application to the Chancellor of the Exchequer, but none to him, on the subject of the production of this correspondence. No application had been made to him (Sir J. W. Hogg) on the subject.

Mr. DIVETT wished to state most distinctly, in answer to the hon. Baronet's observation, that having first given in notice of the question, he asked the Chancellor of the Exchequer whether he had any objection to produce the correspondence. The right hon. Gentleman stated in answer, that it was of a confidential character, and that he therefore could not do so without the assent of the East India Company; upon which he (Mr. Divett) asked the hon. Member for Honiton for his assent, which his silence induced him (Mr. Divett) to believe he positively refused.

Mr. WYLD would wish that this communication had been established. They were all well aware that Indian vessels were more vessels of war than of commerce; and, although their officers were gentlemen of great courtesy and nautical skill, still they were not the men to be entrusted with cargoes. They had it in evidence that within seven years after they had extended steam navigation to the Mediterranean, the trade between the Levant and the Black Sea doubled; and if the present project were carried into effect, he doubted not their traffic would treble.

Lord NAAS begged to say, it was not his intention to press the Motion to a division, and he would therefore withdraw it.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

ST. PAUL'S CATHEDRAL.

On the Question, "That Mr. Speaker do now leave the chair,"

Mr. HUME said, he had given notice of the following Motion, which, with the permission of the House, he should now read:—

> "That, in the opinion of this House, the present regulations for restricting the admission of the public to St. Paul's Cathedral are injurious to the cultivation of those feelings of veneration for religion and of respect for departed greatness which a free access to that sacred edifice and its monuments is calculated to inspire. That the recommendation by the Select Committee on National Monuments, of 'free admission daily, especially on Sundays, reconciling such admission with the due and undisturbed performance of religious services,' having been carried out for some years in Westminster Abbey, and in many of our county cathedrals, the good conduct of the people in those cases, and wherever confidence has been reposed in them, has completely refuted all previous objections, and shown that free admission may safely be granted. That an humble Address be therefore presented to Her Majesty, praying that Her Majesty will be graciously pleased to adopt such measures as may afford to the public free and gratuitous admission to St. Paul's and its monuments."

He did not desire on that occasion to do more than call the attention of the House to what he conceived to be a very interesting subject, namely, the admission of the public to St. Paul's Cathedral. Hon. Members might remember that, on the occasion of Her Majesty's accession to the Throne, an address was presented, signed by 600 artists and men of science, which emanated from a public meeting held at the Freemasons' Tavern. That address or petition was taken notice of by the present First Lord of the Treasury, who was then Secretary of State for the Home Department, and that noble Lord addressed communications to the Dean and Chapter of St. Paul's, to the Dean and Chapter of Westminster, and to the Constable of the Tower, the Duke of Wellington, recommending that facilities should be given to the public for visiting those places; and he was happy to say that the result had been productive of the greatest possible improvement in the population of this metropolis. As a proof of that statement, he might mention that Colonel Rowan, the late head of the police department, declared, in his evidence, that great crowds, consisting of the inhabitants of London, were much more manageable now than they had been formerly. In the southern parts of London and its vicinity fairs were usually held, at which quarrels and riots had been exceedingly frequent; but during the two years preceding the period at which he gave his evidence those scenes of violence and disorder had nearly ceased. It was the opinion of all who turned their attention to the subject, that a free admission to those places where a liberal curiosity might be gratified, gave the people a habit of assembling decorously, and trained the mass of the community to quiet and orderly habits; so that two constables could now keep a greater crowd in order than twenty could have done formerly. He had observed with much pleasure the deportment of the crowds who visited Hampton-court; and he repeated that such opportunities of enjoyment did much towards humanising and improving them. If they trusted the English people, there would be no cause of complaint; and he was happy to say that the beneficial effect of a reasonable confidence was already felt, not only in London, but throughout the country. Westminster Abbey had been opened by order of the present dean, with the exception of a small fee for admission to the chapels, to which there was no objection; thus presenting a very favourable contrast to the course of conduct pursued by the authorities at St. Paul's. Those who went to attend divine service there were driven out the moment service was over, and all who entered at other times were obliged to pay *2d.* and 1*s.* for viewing the monuments. The building in a great degree was raised at the public expense, and many of the great monuments were paid for by the public. Nelson and others, to whom monuments had been erected, were still objects of popular admiration, and nothing but a narrow spirit excluded the public from them. He hoped, then, that the noble Lord would refer to his letter on the subject, and that the right hon. Gentleman the present Secretary at War, then Under Secretary of State, would also remember that letter. The reasons assigned by Mr. Sydney Smith against opening the cathedral appeared to him by no means sufficient, and had not had the effect of convincing any one. Again, he would say that the best consequences had arisen from the practice of opening the cathedrals; the people entered those vast and magnificent buildings with feelings of reverence and awe. He wished for the present merely to put his resolutions on the table, and if facilities of admission were not granted before next Session he should certainly feel it his duty to take some step; though he probably never in that House would undertake another Committee; yet, if something effectual were not done in this matter, he possibly might be induced to adopt such a course; for he estimated most highly the value of those facilities. As regarded the views which others took of them, Lord Stanley, as one of the trustees of the British Museum, was opposed to letting in the public lest mischief might ensue; but millions had now enjoyed that privilege, and Lord Stanley had the candour to acknowledge that they had not abused it. The noble Lord admitted that on May-day as many as 32,000 persons visited the Museum without any ill consequences—nothing had been touched. He had only to add the expression of his deliberate persuasion that the people would be grateful for any attempt made to improve them, and it was gratifying to observe that the example set in England had been advantageously followed in Edinburgh. He should content himself with these few observations, hoping that the House would not consider he had detained them too long.

Sir G. GREY agreed in the general opinion expressed by the hon. Member for Montrose, that it was desirable a free admission should be granted to the public to view all objects of national interest. The Dean of St. Paul's, in transmitting to him the return lately moved for by the hon. Member for Montrose, as to the money taken for admission to St. Paul's Cathedral during the last five years, had written him a letter stating that the account was furnished by the vergers, who had been for a long period the sole irresponsible receivers of these payments, of which no account was rendered to the Dean and Chapter, and which do not pass their audits. The dean added, that he had been endeavouring to put this subject on a more satisfactory footing; but the control now exercised over the chapter revenues by the Ecclesiastical Commissioners had created a difficulty in providing payment for the vergers in lieu of the tax levied on the public. In consequence of this letter he (Sir G. Grey) inquired how the matter stood with the Ecclesiastical Commissioners, and he found that the subject had been several times under their consideration; but they had come to the conclusion that they were not authorised by law to sanction the arrangement proposed by the dean. He (Sir G. Grey) thought some alteration of the law might, therefore, be necessary; but he would communicate further with the Dean and with the Ecclesiastical Commissioners, in the hope that some arrangement might be made by which the object could be obtained.

SUPPLY.

The House then resolved itself into Committee of Supply.

(1.) 8,500*l.* House of Industry (Dublin).

Mr. REYNOLDS said, that in 1848 the vote was 14,795*l.*, and in 1849 it was 12,093*l.*, whilst at present it was only 8,500*l.* He believed the original proposition was to reduce the vote at the rate of 20 per cent, but the right hon. Gentleman the Chancellor of the Exchequer, in compassion, only reduced it by 10 per cent. He thought the reduction an open violation, if not of the letter, at least of the spirit of the Act of Union. The House of Industry existed at the time of the Union, and there was an implied understanding that all grants made and allowed by the Irish Parliament should not be disturbed by the English. Therefore he did not think this reduction just. He found on the other side of the paper that the House contemplated voting 800*l.* to French refugees, which vote was originally passed in 1792, and consequently not one of whom was at present living. The other night the Government forced a vote of 1,675*l.* on the Dissenting clergy, notwithstanding the opposition of the Dissenting Members, who repudiated it. If he were in order, he would move that the vote be increased to 14,500*l.*

The CHANCELLOR of the EXCHEQUER said, that at present he could not assent to any alteration of the vote. All that description of votes were being gradually reduced.

Vote agreed to.

(2.) 700*l.* Female Orphan House (Dublin).

Mr. REYNOLDS objected to the vote, as the institution was of a purely sectarian character. He was opposed to Catholic sectarianism, as well as Protestant; therefore he thought the 700*l.* should be handed over to the Dublin House of Industry; but if not, he begged to move it be disallowed altogether.

The CHANCELLOR of the EXCHEQUER said, the vote had been granted for many years, and therefore it would not be just at present to disallow it altogether.

Mr. HUME thought it better to reduce votes gradually than to abolish them altogether.

Mr. REYNOLDS did not oppose this grant from any unkind feeling towards his Protestant fellow-citizens, but he did protest that an institution should be sustained in Dublin of an exclusively Protestant character, which appropriated its funds to proselytising purposes. The exclusively Protestant character of the charity was proved by the fact that it professed "to instruct 168 girls in the principles of the Established religion."

Mr. HUME thought that charitable institutions, supported by the public, ought not to be purchasers of stock, and yet he found that this institution had purchased Three-and-a-Quarter per Cent stock for 400*l.*

Vote agreed to; as was

(3) 2,000*l.*, Westmoreland Lock Hospital (Dublin).

(4.) 700*l.* Lying-in Hospital (Dublin).

Mr. REYNOLDS expressed his regret that the Chancellor of the Exchequer had felt it his duty to reduce this grant. The report of the institution stated that appeals in its behalf had been made to the nobility, and that only thirteen replies had been returned, and 15*l.* received. It was, therefore, feared that the hospital would have to be closed. He protested against what he considered a violation of the implied understanding of the Act of Union embraced in this reduction; and he hoped, that between the present time and twelve months hence, the Chancellor of the Exchequer would take a more merciful consideration of this grant than he had done to-night.

Mr. HUME would remind the hon. Gentleman that the Act of Union only stipulated that these grants should continue for twenty years. Therefore, in 1820, these grants ought to have ceased. He had always protested against the grant of 3,000*l.* to the Refuge for the Destitute in this country, believing that the less public money was given to such institutions the less misery prevailed.

Mr. REYNOLDS complained that the hon. Member for Montrose was not quite so economical with regard to his votes when Scotland was concerned, for he had voted or promised to vote 25,000*l.* of the public money to erect a gallery of arts in Edinburgh. He had compassion, therefore, for inanimate pictures of humanity, while he withdrew all compassion from the 2,000 poor women who had last year been confined within the walls of the Dublin Lying-in Hospital. He was invariably on the side of economy when an Irish vote was proposed.

COLONEL RAWDON thought the present an unfortunate time for reducing the grant, and said that, according to letters which were extant, Ireland was, if the Union Act passed, to have a right to all the resources of England, not as a matter of favour, but as one of duty.

Vote agreed to; as were also

(5.) 1,350*l.* Dr. Stevens's Hospital (Dublin).

(6.) 3,420*l.* for the Fever Hospital (Cork-street, Dublin).

(7.) 450*l.* Hospital for Incurables (Dublin).

(8.) Motion made, and Question proposed—

> "That a sum, not exceeding 37,698*l.*, be granted to Her Majesty, to defray the Expense of Non-Conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1851."

MR. SCULLY wished to call the attention of the House to the case of the Rev. Mr. Dill, Presbyterian minister at Clonmel. The case was one in which a great injustice had been done to a poor clergyman, arising from the withdrawal of the Regium Donum through the acts of a clerk in the castle at Dublin. The practice had been that on a certificate being produced to the Government, the grant was issued. The vote was taken annually, and the grant was paid quarterly. In the first quarter of the year 1847 the usual allowance under the grant was paid to Mr. Dill. In October, 1847, the grant was stopped without any reason being given. Mr. Dill thereupon applied to the Government in Dublin, who stated that an order had been made by the House of Commons which required certain returns from the different Presbyterian congregations in Ireland, and among the rest from Mr. Dill; that this return was not made; and that this was the cause why the payment was withheld. Sir T. N. Redington, upon further representation and inquiry, withdrew this statement as to an order having been made by the House of Commons for returns, and he (Mr. Scully) discovered that no such order had ever been made. It appeared that Mr. Matthews, a clerk, who had absconded from Dublin Castle, and who had two or three names, his real name being, he believed, Duncan Chisholm, had made the statement that Mr. Dill had neglected to make a return to an order of the House. In 1848, the hon. Member for Athlone brought forward the case very ably in that House, when the right hon. Gentleman the Secretary for Ireland stated that the question was then before the Presbyterian General Assembly of Ireland, and when their decision was come to the Government would announce the course they intended to pursue. They came to, certain resolutions declaring their sympathy with Mr. Dill and the congregation of Clonmel, and expressing their earnest hope that as Mr. Dill had refused to give no information which it was incumbent upon him to give, the Regium Donum due to him should be paid. The Government replied, through Sir T. N. Redington, that as soon as an amended certificate was forwarded, the bounty would be issued. But, with respect to making the alteration required in the annual certificate, a member of the Presbyterian congregation in Clonmel had written to the Castle to represent that, were the congregation to comply with this demand, they would be compromising not only their own rights, but those of the whole Presbyterian Church of Ireland. The Presbyterians had discussed this question at general meetings held last year, and a general meeting had been held only a month ago, at which resolutions were passed calling upon the Government to settle the matter, to pay the arrears due to Mr. Dill, and to repudiate the illegal and unwarrantable acts of their clerk. Mr. Dill had complied with all the conditions legally required of Presbyterian ministers before receiving the Regium Donum; but, supposing he had not, the only thing Government was entitled to do was, to withhold his salary for the following year, not to stop payment of the grant, as had been done, in the middle of the year in which his allged refusal to comply with the conditions occurred. The real cause of the withdrawal of the grant was to be traced to personal animosity on the part of Duncan Chisholm, the clerk, called forth in consequence of some inquiries which Mr. Dill had thought it his duty to make into the character of that individual. He hoped the Government would no longer continue to sanction the proceedings of an absconded clerk, and that, on a consideration of all the circumstances, they would consent to pay Mr. Dill all the arrears of which he had been deprived.

SIR W. SOMERVILLE said, that whatever had been done in this case had been done with the sanction and approval of the Government, and that the Commission appointed to inquire into the conduct of Matthews, or Chisholm, the late chief clerk in the Secretary's office, had nothing to do with the question. The acts of that gentleman, as regarded the correspondence with Mr. Dill, had been sanctioned by the Lord Lieutenant, and it was matter of regret that the time of the House should have been taken up with this discussion. In the year 1848 the hon. Member for Athlone brought the subject under the consideration of the House; and he (Sir W. Somerville) stated then that when Mr. Dill chose to do what every other Presbyterian clergyman in Ireland had done, all the arrears would be paid him, and that until he complied with the requisition of the Government—and the Government had a right to require such information as they considered necessary, and there was nothing irksome, onerous, or unfair in the requisition of the Government—the money would be withheld from him. He regretted that anything should occur to interrupt the harmony which existed in Ireland between the Presbyterians and the Government. Although the General Assembly might have passed the resolution mentioned by the hon. Gentleman, yet he did not think, as regarded Mr. Dill, that it could be taken as the unanimous opinion of that body, while the provincial synod, of which Mr. Dill was a member, had recommended him to comply with the directions of the Government. There were in Ireland 483 Presbyterian ministers, and 482 of them had complied with the requisitions of the Government. Mr. Dill alone had not done so, and till he did the Lord Lieutenant had decided that the arrears of his portion of the Regium Donum should not be paid. The money was waiting for him when he complied with the requisition, not of Mr. Matthews, but of the Government.

MR. B. OSBORNE said, whatever difference of opinion there might be in other respects, it must be gratifying to every one to see the Roman Catholic Member for Tipperary advocating the cause of the ill-used and persecuted Presbyterian minister of Clonmel. He (Mr. Osborne) was acquainted with Mr. Dill, who was an honest and excellent man, and one who did much to promote the bond of union between the Catholics and Protestants of his neighbourhood. The statement of the right hon. Gentleman the Secretary for Ireland was likely to mislead, because he said that Mr. Matthews was not to blame in this matter. Now, it was notorious to every one who knew anything of Dublin Castle, that till the time of his absconding, he was the government of Ireland as far as related to the Regium Donum. The right hon. Gentleman deprecated the mention of Mr. Matthews; but he (Mr. Osborne) deprecated there being no reward offered for the apprehension of this clerk, who was formerly Duncan Chisholm, of Inverness, who absconded from under the imputation of having committed forgery, was afterwards in the 53rd Regiment, and was next found having the charge of 37,000*l.* a year, the Regium Donum. This Matthews, or Chisholm, brought an action against Mr. Dill, in which he was cast, and he set to persecute him, and being all powerful with the Government, he got the arrears of Mr. Dill's salary stopped. The answer why Mr. Dill refused to sign the document in question had been given in a court of justice the other day. He (Mr. Osborne) could bear his testimony to the good conduct of Mr. Dill, and to the disreputable character of Matthews. Another and more important question was, how long were they to go on granting this sum, and thus creating another Established Church in Ireland? As long as these grants were made, there would never be any reform in the Church of Ireland. He would ask how the Roman Catholics liked to see the Protestant Episcopal and Presbyterian churches paid by the State, while they were thrown on their own resources, and had to pay for their own Church establishment? This was a far graver question than that of Mr. Dill and the grant to him.

MR. REYNOLDS had entered the House determined to oppose the vote of the sum named, and was more impressed with the necessity of such a course from the speech of the hon. Member for Tipperary. He would state his reasons for opposing this vote. He was an advocate of the voluntary system, and he believed that all sects into which our common Christianity was divided should support their own pastors. He thought it contrary to the common principles of justice that any man should be called upon to support the minister with whom he was not in religious communication; and if there were one nation in the world more aggrieved than another in this respect, it was the Irish people. His Roman Catholic brethren in Ireland amounted to 7,000,000 of the population; and although they contributed to the support of their own ministers, they had also to pay for the

Protestant Church, which had a revenue of a million sterling a year, while only 750,000 of the population belonged to her communion. He, therefore, objected to saddling the Roman Catholics with a second establishment for the Presbyterians of Ireland; and he called on the Dissenters in England to be true to their own principles by voting with him against this grant. He understood there were 500 of those Presbyterian clergymen in Ireland receiving this sum of 37,000*l.*, and it therefore gave them 74*l.* a year each. There were 700,000 Presbyterians in Ireland—an educated, industrious, and high-spirited class—who were able and willing to pay their clergy, and if they were allowed to pay them, the expense would not be more than 5*d.* per head on the entire Presbyterian population of Ireland. The right hon. Gentleman the Secretary for Ireland had called Mr. George Matthews or Mr. Duncan Chisholm, together with many *aliases* in which he rejoiced—"a gentleman." Why, the Prince of Darkness was a gentleman, and so was Mr. Duncan Chisholm. It was very safe to scold this "gentleman" there, for he was divided from the House and the Treasury bench by the broad Atlantic. He was surprised the right hon. Gentleman had not set apart some of the money he offered as rewards for the capture of this hypocritical man. That person had applied to him for assistance to deprive a certain sect of Presbyterians of their advantages, and had said to him, "I enjoy the confidence of the Lord Lieutenant, and am in the odour of sanctity with the Chief Secretary." He had said to Mr. Matthews, "Why, you are a Presbyterian Pope;" but he had his misgivings on the subject, and was ill-disposed to assist him. He had since found out he was no better than he should be. He believed that, were it not for the corrupt influence of the grant of 37,000*l.* a year, there would not be a more independent body in Ireland than the Presbyterians; but, as it was, they were little better than a clerical police—little better than a set of political-ecclesiastical scribes, betraying those in communion with them, and betraying the Government which paid them. If they withdrew the grant, the Presbyterians would be no longer spies on the one hand, or dictators on the other.

Mr. ANSTEY said, that no petition had been presented in the name of the Presbyterians of Ireland in opposition to this annual grant; he therefore inferred that it was the desire of that body that the grant should not be withdrawn for the present. With this impression, he considered it the duty of the Committee to support the vote.

Mr. SADLEIR complained that the right hon. Gentleman the Secretary for Ireland should have treated the case of George Matthews, or, as he was called, Duncan Chisholm, as being of too trifling a nature to engage the attention of the Committee. Mr. Matthews had always conducted the correspondence on the part of the Government with the Presbyterians of Ireland until the case of Mr. Dill occurred. Since then the Secretary and Under Secretary for Ireland had interested themselves in the matter. For several years previous to 1847, Mr. Dill furnished the return which, in that year, was objected to by Duncan Chisholm, and on those returns Mr. Dill had been regularly paid his portion of the Regium Donum up to that year. The first quarter's money for 1847 was also paid, but since that time he had not received anything. Since that year Mr. Dill had continued to furnish information to the Government, in strict compliance with the Parliamentary form. The conduct of that gentleman had been approved by the great Presbyterian Assembly at Belfast; but the right hon. Gentleman the Secretary for Ireland had said, that he could meet the public expression of that great assembly by a resolution which had been passed by some provincial synod, in which the conduct of Mr. Dill was condemned. He challenged the right hon. Gentleman to produce any such resolution. If it existed he had no doubt it would be found to be the petty movement of some hole-and-corner meeting held by the creatures of Duncan Chisholm.

Mr. HUME hoped the House would not give entire weight to what had been stated till they heard his statement. In 1847 an increase was proposed to the Regium Donum, and he wished to know why, and moved for papers. Mr. Matthews was brought up as a witness to make explanations in relation to certain charities; and no one could have done his duty better, or given clearer answers. Of course he (Mr. Hume) knew nothing of Mr. Chizzle-em—or any other name. Constant efforts had been made to increase the grant, and he agreed that as an endowment it was a bribe to a particular party, made them tools of the Government, and it would be a blessing to Ireland if it was removed. From 1690, when the grant was first made, it was paid to all congregations alike till 1803, when it was divided into three classes, to one of which 100*l.* was paid, to another 75*l.*, and to a third 50*l.* There were at present 451 Presbyterian congregations, and they were asked to give in the proportion of 80*l.* a year, to each, while the congregations only paid themselves 40*l.* a year. After 1803 the clergy wanted more, and to have the sums equalised, so that they should get 100*l.* a year each, and the Government came to a determination to fix some rule. At present there must be a certificate that 55*l.* must be paid to the minister, 20*l.* of it by his own congregation, before the minister should receive the Regium Donum. There were three or four congregations that came under that rule not subscribing the required sum. For wishing to carry out the views of the Government in this respect, Mr. Matthews was attacked. However, it ended in this, that after that period all incomes of 100*l.* as they fell in should cease, and all incomes of 50*l.* as they fell in should cease, and that henceforth 75*l.* should be paid. Now, he put it to the House, whether the Government were not warranted in checking the gradual increase which was going on. Under the old system they might establish a congregation in every village in Ireland. He had divided the House several times against any allowances to Dissenters in this country, as well as to the Episcopalians in Scotland, who received 1,000*l.* a year. If Government would take his advice, they would abolish these grants altogether. He had a letter before him from Mr. James Morgan, the moderator of the Assembly, to the right hon. Gentleman the President of the Board of Trade, calling upon Government, in consequence of the failure of the potato crop, and many of the parishioners not being able to contribute towards their stipends, to increase their allowance; and he was very much pleased with the right hon. Gentleman's answer, delining to accede to this. Mr. Matthews, in his report, stated that the average annual contribution of each Presbyterian in Ireland, toward the support of their ministers, was 41 farthings, and no more. He did not think that the Dissenters in Ireland had any claim upon Government; and he should, therefore, oppose the vote.

Mr. BRIGHT said, he wished to suggest a course which appeared to him more practicable than that of the right hon. Member for Dublin. He agreed in all that had been said as to the improper nature of this grant. It seemed to him that it made the Presbyterian ministers dependent upon Government, and was likely to cause dissensions between them and their congregations. It was perhaps as objectionable a grant, and made in as objectionable a mode, as could be contrived. What he wanted to see was, that they should be satisfied that the vote should go no further. At present the vote was in a state of unlimited expansion. Wherever twelve persons or more should subscribe 30*l.*, 25*l.* of which only need come from the congregation, Government were called upon to pay 75*l.* more. He would not go into the question generally as to the injury done to Ireland, by buying over a large number of ministers, who ought, if they were true to their principles, to unite with Roman Catholics in ecclesiastical matters. He left that out of the question, but he wanted to propose something more practical than that which was proposed by his right hon. Friend; for, after a system like this had prevailed for some time, it would be a very harsh and improper thing to stop without notice the payment of 36,000*l.* But they might put it in process of extinction. If they were to reduce the vote this year by 5,000*l.*, the result would be that the congregations in Ireland, instead of paying 35*l.* per annum, would have to pay 45*l.*, and the Government grant would be diminished from 75*l.* to 65*l.*, and it might go on gradually diminishing 5*l.* or 10*l.* a year, and be thus extinguished without, he believed, inflicting anything like near the burden on the Presbyterian congregations that was inflicted on every Dissenting congregation besides in the united kingdom, and upon the whole body of Roman Catholics in Ireland. He, therefore, asked the right hon. Gentleman to withdraw his Motion, and he (Mr. Bright) would move that the vote be 32,000*l.*, instead of 37,000*l.*

Whereupon Motion made, and Question put—

"That a sum, not exceeding 32,698*l.*, be granted to Her Majesty, to defray the Expense of Non-Conforming, Seceding, and Protestant Dissenting Ministers in Ireland, to the 31st day of March, 1851."

Mr. REYNOLDS said, any recommendation of his hon. Friend the Member for Manchester would have weight with him; but in this instance it was contrary to his conviction, and he therefore could not adopt it. If, however, his hon. Friend would support him in voting against the grant, and his Motion was lost, he would then vote with his hon. Friend on his Amendment.

Mr. S. CRAWFORD said, he had always opposed these grants out of the State funds to religious bodies, and in consequence of that opposition he had had communications with the Presbyterians of the north of Ireland, in which they stated that the ground on which they claimed this grant was that they themselves were required to pay for the support of the Established Church. But, notwithstanding his opposition to this grant, he did not believe that it prevented the Presbyterians from identifying themselves with the interests of the people generally, and never were they more identified with them than at that moment. There were many old clergymen who had no other support than this grant, and it would be a great injustice to withdraw it at once from its present recipients. He would suggest, therefore, to the right hon. Gentleman the Lord Mayor of Dublin that he should accede to the recommendation of the hon. Member for Manchester, and, instead of voting for the abolition of the grant at once, should proceed to attain that end by a gradual reduction.

The Committee divided:—Ayes 45; Noes 108: Majority 63.

List of the Ayes.

Aglionby, H. A.
Bass, M. T.
Brotherton, J.
Brown, W.
Clay, J.
Clifford, H. M.
Cobden, R.
Corbally, M. E.
Crawford, W. S.
Dick, Q.
Duke, Sir J.
Duncan, G.
Ellis, J.
Fagan, W.
Fox, W. J.
Freestun, Col.
Grace, O. D. J.
Greene, J.
Grenfell, C. P.
Harris, R.
Hastie, A.
Headlam, T.
Henry, A.
Heyworth, L.
Hudson, G.
Hutchins, E. J.
Kershaw, J.
Locke, J.
Lushington, C.
Magan, W. H.
Mowatt, F.
O'Connell, M.
Osborne, R.
Pechell, Sir G. B.
Pilkington, J.
Reynolds, J.
Sadleir, J.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Wakley, T.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Wyld, J.

TELLERS.

Hume, J.
Bright, J.

Mr. REYNOLDS then declared his intention to divide the Committee on the vote.

Original Question put.

The Committee divided:—Ayes 123; Noes 27: Majority 96.

List of the Noes.

Aglionby, H. A.
Bass, M. T.
Bright, J.
Clay, J.
Clifford, H. M.
Duke, Sir J.
Ellis, J.
Fox, W. J.
Greene, J.
Hall, Sir B.
Harris, R.
Hastie, A.
Heyworth, L.
Hudson, G.
Hume, J.
Kershaw, J.
Locke, J.
Lushington, C.
Magan, W. H.
O'Connell, M.
Pilkington, J.
Thompson, Col.
Wakley, T.
Walmsley, Sir J.
Willcox, B. M.
Williams, J.
Wyld, J.

TELLERS.

Reynolds, J.
Fagan, W.

(9.) Motion made, and Question proposed—

"That a sum, not exceeding 6,790*l.*, be granted to Her Majesty, to pay, to the 31st day of March, 1851, Charitable Allowances charged on the Concordatum Fund in Ireland, and other allowances and Bounties formerly defrayed from the Grants for the Lord Lieutenant's Household, Civil Contingencies, &c."

Mr. REYNOLDS objected to the item of 217*l.* for the minister of St. Matthew's Chapel, Ringsend, and moved that the vote be reduced by that sum.

Whereupon Motion made, and Question put—

"That a sum, not exceeding 6,573*l.*, be granted to Her Majesty, to pay, to the 31st day of March, 1851, Charitable Allowances charged on the Concordatum Fund in Ireland, and other Allowances and Bounties formerly defrayed from the Grants for the Lord Lieutenant's Household, Civil Contingencies, &c."

The Committee divided: — Ayes 24; Noes 123: Majority 99.

Original Question put, and agreed to.

The following Votes were agreed to:—

(10.) 20,700*l.*, General Board of Health.

(11.) 2,346*l.*, Central Board of Health, Dublin.

On the next Vote,

(12.) 13,552*l.*, Inumbered Estates Commission, Ireland,

Mr. HUME asked if there was any return of the number of estates that had been sold by the Commission, and of the amounts they had realised.

Sir W. SOMERVILLE believed that such a return had been recently laid before the other House.

Mr. HUME said, as this court was doing the duty of the Court of Chancery, as they were now paying 13,000*l.* for duties which ought to be done by one of the constituted courts of the country, he wished to know whether there was to be a proportionate reduction in the expense of the Court of Chancery?

Sir W. SOMERVILLE said, he believed the operation of the Incumbered Estates Act, instead of diminishing had materially increased the business of the Court of Chancery.

Colonel SIBTHORP wished to be informed how long this Incumbered Estates Court was likely to last.

Sir W. SOMERVILLE: Three years, according to the provisions of the Act.

Colonel SIBTHORP: Then, Sir, I beg leave to move that this Vote be disallowed.

Vote agreed to; as was

(13.) 15,000*l.*, Works of Navigation connected with Drainage (Ireland).

(14.) 14,765*l.*, Ambassador's House at Constantinople.

Mr. HUME said, he was surprised to see this vote, as there was a Committee then sitting which had under their consideration the salaries of the diplomatic corps. He would suggest a postponement of this vote till the Committee had made their report.

The CHANCELLOR of the EXCHEQUER said, that in any case there must be a residence for the Minister at Constantinople.

Mr. HUME: But the house for a man with 6,000*l.* a year should not be so expensive as that for a man having 12,000*l.*

Viscount PALMERSTON said, that it was impossible to hire a house at Constantinople fit for a European to live in; and as it was necessary to build a house, it was a matter of economy that it should be made of materials that would not burn.

Mr. HENLEY asked what the total expenditure would be?

Viscount PALMERSTON regretted to say, that it would be much more than was at first expected; for whilst the building of it was going on one portion of it caught fire.

Mr. HENLEY said, that the present vote made the total expenditure 30,000*l.*, and he wished to know if any more money was to be asked for?

Viscount PALMERSTON believed the present vote would complete the building.

Vote agreed to; as were also

(15.) 1,000*l.*, Militia and Volunteers, Canada.

(16.) 3,000*l.*, Harbour of Lybster, on the east coast of Scotland.

On the Vote of

(17.) 18,100 for Erecting and Maintaining Lighthouses on Sable Island,

Mr. HUME said, he did not rise to object to the employment of money for useful purposes. But he regretted that the Government did not take this department under their own control, instead of leaving it to be managed by a self-elected company, who expended what they pleased, and levied what they pleased. He regretted that the present First Lord of the Admiralty did not follow in the steps of the Earl of Auckland, who appointed a department in connexion with his office to take charge of this important subject. Now, the matter was left with the Treasury, the Colonial Office, and the Trinity Board, and there was no unity in the system. When he and others voted for the alteration of the navigation laws, they were promised that the shipping interest would be relieved from these dues; but no relief had been afforded up to that time. He believed that the colonies would contribute to the expense of erecting lighthouses if the Government gave them any assistance.

Vote agreed to.

(18.) 30,000*l.*, Repository, Public Records.

Mr. HUME said, he was not going to object to the vote. All he wanted was, that they should not leave the building in the hands of Mr. Barry; for nothing could be more disgraceful to a civilised country than the folly which was going on with respect to the New Houses of Parliament. He did not wish to see any more public buildings, unless there was to be a responsible person to guard against any increase of expenditure. He had not seen the plan of the proposed Record Depository, but he had read the report, and it appeared to him to be a very proper report. All that he wanted was, that they should be secured against any abuse in the construction of the building.

The CHANCELLOR of the EXCHEQUER said, that the head of the Woods and Forests Department would be responsible for the expenditure of the money.

Colonel SIBTHORP: Could not be in worse hands.

Mr. HENLEY: A Record Office was certainly desirable. He hoped they would provide against the possibility of the building being found too small in a short time for the purposes for which it was to be erected. The report did not appear to be satisfactory as to the amount of accommodation to be afforded.

The CHANCELLOR OF THE EXCHEQUER said, that the plan contemplated a structure to be raised in four different periods. No. 1 would provide for all existing records, and the expense of it would be covered by a sum of 45,000*l.* No. 2 would provide for all records for 100 years. Then Nos. 3 and 4 were to follow, so that they made provision for the future as well as the present.

Vote agreed to.

(19.) 8,000*l.* to complete the Vote for Law Charges, Treasury.

MR. HUME said, that the salary of the Solicitor of the Treasury was 1,850*l.*; but he wished to know whether there were any bills in addition. It was an economical practice to pay the solicitors by a fixed sum; but he wanted to guard the public against the system which had prevailed in the office of Woods and Forests, where certain parties had received immense sums as law charges for duties which ought to be performed by the solicitors.

MR. CORNEWALL LEWIS said, that the Solicitor of the Treasury devoted his entire time to his office, and he received nothing but his salary.

Vote agreed to, as were the following:—

(20.) 3,555*l.* to complete the Vote for Coin Prosecutions.

(21.) 7,700*l.* to complete the Vote for Sheriffs' Expenses, &c.

(22.) 5,330*l.* to complete the Vote for Insolvent Debtors' Court.

(23.) 44,324*l.* to complete the Vote for Law Expenses, Scotland.

On the next Vote,

(24.) 33,761*l.* to complete the Vote for Criminal Prosecutions, Ireland,

COLONEL DUNNE said, that in this country nearly 70,000*l.* which had been placed on the Consolidated Fund had formerly been borne by the county rates in Ireland. He should be told that a moiety of the police rate in Ireland had lately been thrown on the Consolidated Fund, and that the county rates were relieved from it. The late Sir R. Peel had described this as a kind of gift for the repeal of the corn laws. He did not think they were fairly treated in this matter. He must also advert to the crowded state of the Irish gaols. It appeared from the charge of a Judge to the jury, at the late assizes at Mayo, that prisoners who should be supported by the Crown were left in the gaols. The sheriffs had pressed on the Government the removal of these prisoners, but they could not obtain any redress. The Judge stated that it was perfectly illegal that these men should be left in the county gaol. On looking over the estimates it would be found that a sum of 700,000*l.* had been taken off the county rates of England, and placed on the Consolidated Fund. It was impossible that Ireland could bear the weight of taxation now placed upon her.

MR. CORNEWALL LEWIS believed that it would be found, if the average of the last three years for this charge was taken, that a greater amount had been given to Ireland. Before 1846 the moiety of the charge for criminal prosecutions in this country was paid by an annual vote of Parliament. In that year the entire charge was transferred from the county rate to the Exchequer, and this was done with the view of equalising the allowance to the two countries. Also the moiety of the charge for the maintenance of convicts in gaol, and certain allowances for certain county officers. Compensating allowances were made in Ireland, and a very considerable sum was transferred from the county rates to the Consolidated Fund, such as the expense of the constabulary and certain other charges connected with the poor-law.

COLONEL DUNNE felt assured, if he had the papers on this subject, he should be able to induce the Committee to come to a very different conclusion from that of his hon. Friend.

MR. H. A. HERBERT stated, that in the county which he represented (Kerry), there were 1,500 prisoners in the gaol, which was constructed for 130. He had himself visited the gaol, and had seen lunatics and convicts placed together without the smallest regard to classification. There could not be a matter of more importance to the country, than that Government should take some measure for removing all the convicts in the county gaols. In his county the grand jury had been seriously alarmed by its being given out that clothing would be sent to the convicts, which seemed to imply that it was the intention of Government to leave them there for a long time.

MR. SADLEIR hoped that the appeal which had been made to Government would be attended to. There was most dreadful and frightful mortality and disease amongst the prisoners in the prisons of Ireland, and it was not for Government to say that they had not the means and power of removing prisoners who were convicted from these gaols. He called upon the Government to relieve the prisoners in gaols from the scenes they were subjected to, by keeping the prisoners sentenced to transportation in the gaols.

Sir G. GREY could assure the hon. Member for Kerry that the greatest exertions had been made on the part of the Government to remedy the evil; but it should be remembered that there had been a large and sudden increase in the number of convicts in Ireland sentenced to the punishment of transportation. Government had exerted itself in every possible way, and he was happy in being able to state that an arrangement had been made for the maintenance, at the expense of the Government, of 3,500 convicts, now in the county gaols, at Spike Island. A large number of convicts had also been transported to the colonies, and there were also two ships under orders to convey a further number of convicts abroad from Ireland. It was impossible for the Government to provide at a moment's notice for such a considerable increase in the number of convicts.

Vote agreed to; as was the following:—

(25.) 15,500*l.* to complete the Vote for Metropolitan Police, Dublin.

(26.) 90,000*l.* to complete the Vote for County Rates.

Mr. V. SMITH asked whether any steps had been taken to produce something like a uniformity in the scale of fees for prosecutions at the various assizes?

Sir G. GREY had stated the other day that it was very desirable that in all the counties and boroughs there should be something like a uniform scale for prosecutions. At present there was the greatest variety, and although attempts would be made to produce something like uniformity, there still would be some variety in consequence of the peculiar circumstances of different counties.

Mr. HENLEY expressed a hope that the right hon. Gentleman, in his attempt to provide a uniform scale, would not incur an increased charge.

Mr. HUME objected to the vote, as the country had to pay it, and there was no person to control the expenditure. If they paid the expenses of these prosecutions, there should be some Government officer who should be responsible for the mode in which the money was laid out.

Sir J. TROLLOPE said, at present the magistrates exercised the same careful control over the expenditure as they formerly did. He admitted, however, that there was no sufficient check over the expenditure at the assizes. While on that vote he could not help alluding to the strange schemes which had been put forth by the inspectors of prisons. Mr. Hill, one of the inspectors, proposed to erect one enormous prison for the whole county of Lincoln, and a very large tract of land was to be included within its boundary, which was to be cultivated by the convicts, who were for the most part agricultural labourers. He need hardly say the adoption of such a powerful scheme was out of the question, as all efficient control over the prisoners would be at an end. He would ask whether those gentlemen who were engaged as inspectors of prisons were worth the salaries which were paid to them?

Mr. AGLIONBY wished to refer the Committee to an Amendment in the Criminal Justice Bill, which he had suggested, with regard to taking the pleas of prisoners in cases of larceny and midemeanour, for the first offence, before the magistrates at petty sessions. The effect of his Amendment would be to save the country 40,000*l.* or 50,000*l.* per annum.

Vote agreed to.

(27.) 7,550*l.* to complete the Vote for Inspectors of Prisons.

Sir J. TROLLOPE moved, as an Amendment, to reduce the Vote by 2,100*l.*, the amount of the salaries of the three inspectors of prisons. The reports of these gentlemen contained much useless or objectionable matter, and he thought it time, therefore, that they should cease.

Sir G. GREY hoped the Committee would not consent to this reduction, for he believed the greatest advantage had been derived from the appointment of these inspectors. At the same time he would admit that the reports of some of the inspectors had contained matter which had better been excluded from them. Some of the suggestions made by the inspectors of prisons were suggestions that ought to be addressed to the Secretary of State, and were in no degree binding upon the county magistrates unless they were recommended by the Secretary of State. The duty of these inspectors was defined by law; it was their duty to inquire into facts, rather than to report opinions or make recommendations. They might undoubtedly make recommendations to the Secretary of State for the consideration of the Government, but he thought it was out of their province to make direct recommendations to the county magistrates. The subject had been under the consideration of the Committee on Prison Discipline, and he thought it would be desirable to effect gradually some change in the system of inspection, by rendering it more uniform, and by having one chief inspector, and several sub-inspectors, who should report facts to the chief inspector, leaving him to report to the Government what opinions he thought fit. There was too much disposition on the part of inspectors generally to write essays and pamphlets, and it was difficult to check that description of authorship. The Committee must not suppose, however, that that was all the prison inspectors did, for their labours had led to very valuable results.

Mr. T. EGERTON said, that in a district with which he was connected as a county magistrate the late prison inspector had been perfectly satisfied with the management of the gaol, but a new inspector had been recently appointed who entertained different notions, and he told the magistrates their arrangements were altogether wrong. Now, it was a very unpleasant thing for the magistrates to be told by the inspector, "Your gaol is very ill managed, and I shall think it my duty to report it to the Secretary of State," although the previous inspector had fully approved of the prison management. He hoped the inspectors would pay some attention to the suggestions which had just been made by the right hon. Baronet.

Colonel SIBTHORP had visited several prisons, and had never seen a set of more jolly, happy, well-fed, well-clothed fellows than the convicts were. They were much better fed, much better clothed, and much more lively, he was sorry to say, than the agricultural labourers of England were at present. There was too great a disposition on the part of the public to sympathise with criminals. When men committed such crimes as the assassination of Mr. Drummond, why, they were under the influence of monomania. He remembered hearing that on one occasion a jury applied to Chief Justice Hale, as a Christian, to extend mercy to a criminal. The Chief Justice replied, "I hope, as a Christian, that I am disposed to exercise mercy, but there is a mercy due to the country. The prisoner is a notorious scoundrel, and I shall hang him." He (Colonel Sibthorp) thought that principle might with great advantage be carried into effect more extensively that it was at present. He wished to ask the right hon. Baronet the Secretary of State for the Home Department whether he would be prepared with some additional prisons and places of confinement, if there should be occasion for them, when the Exposition of Industry took place next year? He understood the right hon. Baronet intended to increase the police force, as he was told, by some 2,000 men; and he cautioned the right hon. Gentleman to be prepared for what might occur, and for what he feared would occur, and not to build a glass house in Hyde Park until he had laid the foundations of a prison somewhat larger than any now existing in the metropolis. Crime was on the increase, and if the accursed free-trade system was continued, they must expect it to go on increasing, and next year they would have London and the provinces inundated with a set of fellows who, if they were not lost before they got here, would prove a great curse to the country.

In reply to Mr. Hume,

Sir G. GREY said, that a considerable reduction had been effected in the expenditure for the Pentonville Prison. The subject had been very fully investigated by a Committee, whose report would be laid on the table before the end of the Session.

Sir J. TROLLOPE begged to withdraw his Amendment, as the object he had in view had been answered by the remarks of the right hon. Baronet with regard to the inspection of prisons. The report of Mr. Hill was almost impertinent, and had given general offence not only in his (Sir J. Trollope's) county, but in York, where he had recommended the abandonment of the gaol after a large sum had been laid out on it.

Amendment withdrawn.

Vote agreed to.

The following votes were also agreed to:

(28.) 137,224*l.*, to complete the Vote for Convict Establishments at Home.

(29.) 65,848*l.*, to complete the Vote for Convict Establishments Abroad.

(30.) 69,230*l.*, to complete the Vote for Transportation of Convicts.

(31.) 100,147*l.*, to complete the Vote for Convict Establishments, Colonies.

Resolutions to be reported To-morrow.

Committee to sit again To-morrow.

CHARITABLE TRUSTS BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. TURNER said, that as the Amendments which had been introduced in Committee had not removed the objections which he entertained to the measure, he should feel it his duty to take the sense of the House on the question of its further progress. Since the Bill was last before the House, a report had been presented from the Commission appointed in 1849, for the purpose of inquiring into those charities which were not reported on to the Attorney General under the authority of the Commission issued in 1835. The House would be surprised to learn that there were 23,746 charities under 30*l.* a year, and not less than 27,000 charities ranging between 30*l.* and 100*l.* a year. The report recommended the creation of some permanent authority, which should be charged with the duties of supervising all those charitable trusts; but the Bill proposed to place those which were below 30*l.* under the jurisdiction of the county courts, and the charities which were between 30*l.* and 100*l.*, in the hands of the Masters of the Court of Chancery. The report of the Commission, therefore, appointed by Her Majesty, which recommended the creation of an officer or board for the regulation of these trusts, appeared to him to be in direct contradiction to the present Bill. He would take, in the first place, those charities ranging between 30*l.* and 100*l.* which the Bill proposed to vest in the Masters of the Court of Chancery, whose power was to be exercised without appeal. The result would be, that as ten new judges were thus created, there would be ten different opinions on the construction of charitable trusts. With regard to the minor charities falling below 30*l.*, the throwing the appointment of the trustees into the hands of the county courts, would make them entirely subservient to political and party purposes. The judge of the county court would want the requisite local knowledge, and the consequence must follow that these gentlemen would be guided by the advice of their clerks, who were generally political agents. He had no hesitation in saying, that in his opinion great evils had already arisen from the perversion of charitable funds to party purposes under the Municipal Corporation Act. It was true that the Bill gave an appeal from the judge, but that appeal was to be upon facts as settled by the very judge from whose decision the appeal was brought. Again, if a trustee of one of the charities happened to be abroad, he might be superseded by the judge, and the trust might be placed in the hands of the treasurer of the county court. Every lease, therefore, or agreement for a lease, of the charitable property would have to be executed by the treasurer of the county court; and he would leave it to the House to decide whether that was a reasonable course, or one which was likely to save expense. The Bill had not been sufficiently considered; and as he was sure that it would involve charities in litigation, confusion, and expense, he should move that it be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

The ATTORNEY GENERAL said, he should detain the House for only a very short time. First, as to the report, he wished to say that it was not by any means the intention of the Commissioners to delay the Bill; and if hon. Members only looked at the report they would see that it was the evident desire of the Commissioners to forward the Bill as much as possible. They would see also that the Commissioners had suggested a special mode of keeping the accounts of charitable funds, as well as that of creating a special tribunal; and, though there were strong objections on general grounds to the establishment of special tribunals confined to particular objects of jurisdiction, as contradistinguished from the present mode of administering the law in this country, yet experience had shown it to be highly desirable that small matters relating to charitable trusts should be adjudicated on by the judges of the county courts. There were upwards of 23,000 charities under 30*l.*, and many of them only a few shillings. Now, it was essential, above all things, that these matters should be dealt with cheaply; and it could be easily shown that the Bill would not produce the effects which his hon. and learned Friend apprehended. Of the jurisdiction given to the ten Masters, namely, that of dealing with charities from 30*l.* to 100*l.*, there might, perhaps, be some apprehension that with ten Masters there might be ten different tribunals, with varieties of practice and conflicting decisions; but he would appeal to any one acquainted with the proceedings in the Masters' offices to say if there were not great uniformity of decisions there, owing to this, amongst other causes—that the Masters were in the habit of consulting, with a view to the maintenance of such uniformity. He felt quite persuaded that if they did not allow the judges of the county courts to deal with small matters, they would defeat the purposes of the Bill. This was not a Bill for any party purposes, but was a measure to enable overseers of parishes and trustees of petty charities to administer them in a more satisfactory manner. It gave them a judge to whom they could refer in matters of difficulty, and it provided for the most perfect possible publication of the accounts, which would be the best security against any breaches of trust for the future. He entreated the House to have the Bill read a third time.

MR. GOULBURN objected to the Bill on a former occasion, and did so still. There were two Bills before them relating to the object before them, namely, the Bill itself, and the report of the Commissioners appointed, in June, to consider the question. The Bill had been before the House since the 1st of March, and the report of the Commissioners since the 25th of June. It was remarkable that the Commissioners made no remark on the nature of the Bill, but they laid down a system incompatible with the system of the Attorney General, especially so far as it related to the local tribunals. There were 28,000 charities in England, 23,000 of which fell within the jurisdiction of the Bill—a consideration that ought to weigh heavily with the House in forming any decision; and the more so, since it was the poorer charities that were most exposed to local and particular abuse. Where a charity had 1,000*l.* a year, or thereabouts, the public eye was upon it; but when they yielded only a few pounds a year, no notice was taken of the charity itself, and its abuse was unchecked. By the Bill, they were about to take the administration of these charities out of the hands of a public individual who was always before the world, and who regulated his conduct accordingly, and they were about to vest them in the hands of one who was not before the public, but who, not knowing the people individually among whom he is placed, must almost of necessity act under such impressions as he may receive from the county clerk of the people with whom he may have to deal. The clerk of course would know every one in the parish, and could consequently employ his office to advantage for political or party purposes. The great objection to another part of the question was the effect it would have on the education of the people, for the greater part of these charities were for educational purposes; and considering the feeling that prevailed with regard to the mode of education that should be adopted, he was convinced that the Bill would defeat the ends of justice and liberality, which its promoter did not anticipate.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 96; Noes 53: Majority 43.

List of the NOES.

Archdall, Capt. M.
Arkwright, G.
Baldock, E. H.
Blackstone, W. S.
Blair, S.
Bremridge, R.
Burghley, Lord
Cabbell, B. B.
Chatterton, Col.
Christy, S.
Clerk, rt. hon. Sir G.
Cocks, T. S.
Cole, hon. H. A.
Dickson, S.
Duckworth, Sir J. T. B.
Duncuft, J.
Edwards, H.
Egerton, W. T.
Forester, hon. G. C. W.
Frewen, C. H.
Gladstone, rt. hn. W. E.
Goulburn, rt. hon. H.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Henley, J. W.
Herbert, H. A.
Hervey, Lord A.
Hudson, G.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Leslie, C. P.
Lindsay, hon. Col.
Masterman, J.
Mullings, J. R.
Naas, Lord
Newdegate, C. N.
Nicholl, rt. hon. J.
O'Brien, Sir L.
Plowden, W. H. C.
Portal, M.
Seaham, Visct.
Sibthorp, Col.
Smyth, J. G.
Spooner, R.
Taylor, T. E.
Trollope, Sir J.
Verner, Sir W.
Walpole, S. H.
Willoughby, Sir H.

TELLERS.
Turner, G. J.
Deedes, W.

Main Question put, and agreed to.

Bill read 3°; Amendments made.

MR. GOULBURN proposed that in the 20th clause, which provides that in cases of charities for religious purposes the trustees shall be of the same religion as the church or sect for whose benefit the charity is established, the same rule should be made applicable to schools; and he moved that the words "or any school" should be inserted.

The ATTORNEY GENERAL consented to the introduction of the words.

MR. GOULBURN then proposed that in the 35th clause the words "or of any schools" should be inserted along with religious or charitable institutions maintained by voluntary contributions as being exempted from the operation of the Act.

Amendment proposed, in page 16, line 26, after the word "therewith," to insert the words "or of any schools."

The ATTORNEY GENERAL opposed the Amendment.

Question put, "That those words be there inserted."

The House divided:—Ayes 38; Noes 77: Majority 39.

Bill passed.

SMALL TENEMENTS RATING BILL—ADJOURNED DEBATE.

The Adjourned Debate was resumed on the question that the clause proposed [12th June] be added to the Bill.

MR. HALSEY moved that the said clause be added to the Bill.

Motion made, and Question put, "That the said clause be added to the Bill."

The House divided:—Ayes 61; Noes 27: Majority 34.

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 23; Noes 63: Majority 40.

Bill passed.

House adjourned at half-after Two o'clock.

HOUSE OF LORDS,

Friday, July 26, 1850.

MINUTES.] PUBLIC BILLS.—2ª Highway Rates; Turnpike Acts Continuance, &c.; Canterbury Settlement Lands.

3ª Militia Pay; Court of Exchequer (Ireland); Stock in Trade.

BREACH OF PRIVILEGE—LIVERPOOL WATERWORKS BILL.

LORD BEAUMONT said, that the Motion which he had to submit to the House was, that the petitioners be called to the bar and be reprimanded and admonished for their conduct by the Lord Chancellor.

LORD BROUGHAM thought this was the best course that could be taken, more especially as they had given evidence before the Committee since they had been in custody in the fairest manner.

The MARQUESS of LANSDOWNE was fully prepared to concur in the Motion of his noble Friend. He wished it, however, to be understood by all parties, that the lenient course which that House was induced to take on the present occasion did not arise from their considering the offence to be one of a minor character. But the peculiar circumstances of the case, and the position of life of the parties which might not enable them to appreciate the enormity of the offence they had committed, had induced the House to take a merciful view of the subject.

The EARL of HARROWBY said, he had received a letter from the Secretary of the Guardian Society at Liverpool, denying that any members of that society had had anything to do with the obtaining fictitious signatures to petitions. He knew this society to be composed of a most respectable body of men.

LORD BEAUMONT wished it to be publicly known that the inquiry into the conduct of the parties who had employed these men was still going on, and that the Committee expected eventually to discover those who had employed them, and were the really guilty persons. In case this fraud were clearly traced to them, they would be severely punished.

Order of the Day for taking into Consideration the Petition of Joseph Byrne, Joseph Hinde, and Duncan M'Arthur, Prisoners in Newgate, stating their deep Regret for having committed a Breach of the Privileges of this House, and praying the merciful Clemency of the House, read. The Yeoman Usher informed the House, That the said Joseph Byrne, Joseph Hinde, and Duncan M'Arthur were in Attendance: Then it was moved, by Lord Beaumont, That Joseph Byrne, Joseph Hinde, and Duncan M'Arthur be brought to the Bar of this House, and reprimanded by the Lord Chancellor, and discharged.

Agreed to.

Then the said Joseph Byrne, Joseph Hinde, and Duncan M'Arthur were brought to the Bar, and reprimanded by the Lord Chancellor for their Offences.

"*Ordered*—That Joseph Byrne, Joseph Hinde, and Duncan M'Arthur be discharged out of the Prison of Newgate, and that this Order shall be a sufficient Warrant in that Behalf.

"*Ordered*—That the Speech made by The Lord Chancellor in reprimanding the said Joseph Byrne, Joseph Hinde, and Duncan M'Arthur, be entered on the Journals of the House."

COUNTY COURT EXTENSION BILL—EXPLANATION.

LORD BROUGHAM presented petitions from Warrington, the Society for the Protection of Trade at Leicester, and other places, in favour of the concurrent jurisdiction of the Superior Courts with the County Courts on actions between 20*l.* and 50*l.* The noble and learned Lord said, that he would take that opportunity, in consequence of the petitions which he had presented, and of several letters which he had received from town and country from various parties respecting this important Act, of rectifying a very great delusion which some persons, who he believed knew better, had set forth in charging him with gross inconsistency as an amender of the law, and as President of the Law Amendment Society, of which many noble Lords and Judges of the land were members, in his inducing that House to make certain alterations in the measure he had alluded to. The inconsistency complained of was the very reverse of the fact; for it was his refusal to be inconsistent which induced him to propose that the Bill should be in the same form and words as that which he had brought forward in 1833, that was seventeen years ago. That measure was, unfortunately, lost by a majority of one in that House; and his (Lord Brougham's) Amendment only restored the Bill sent up recently from the other House to the form of his Bill of 1833.

THE EXHIBITION OF THE INDUSTRY OF ALL NATIONS, HYDE PARK.

Lord BROUGHAM said, he rose to discharge a most important public duty, which he felt some difficulty in performing, in consequence of the severe indisposition under which he was labouring, and which was caused by his attention during the whole of the morning to the judicial business of the House. It was within the knowledge of their Lordships that from an early period of the present Session he had stood forward as the antagonist of those who, from the most praiseworthy, but, as he thought, the most mistaken, motives, had undertaken the structure of an immense building in Hyde Park for what was called the Exposition of 1851. But, if he had deemed that a matter of importance, its importance had shrunk into insignificance when compared with that of the question which had unhappily, but incidentally, arisen out of it. He now proceeded to entreat the attention of their Lordships, as members of the highest court in the country, which superintended and controlled all others, to the course—which he must call the ill-advised and inauspicious course — which had been recently taken with regard to the structure in Hyde Park, by the first law officer of the Crown, acting by the command of the Ministers of the Crown, in a matter which he would now proceed to describe to the House. This was one of the most important subjects to which he had ever addressed his own attention, or to which he had ever called the attention of their Lordships, since he had enjoyed the honour of a seat in their assembly. It would be for their Lordships to judge, after they had heard the statement of facts which he was about to make, and his comments upon one or two of those facts, and after they had heard the law relating to the great constitutional question involved in them—it would be for their Lordships, he said, to judge whether he had given an exaggerated opinion of the importance of this discussion. He held in his hand the petition of a vast number of persons residing in the vicinity of Hyde Park, whose property—for of their comforts he said nothing—and whose public rights and convenience, would be materially impaired by this structure. These petitioners represented certain facts, which he would forthwith state to their Lordships. They stated that they had prepared an information for the purpose of filing it in the High Court of Chancery to stay, by injunction, the erection of any further structure, or the progress of any further operations in Hyde Park, which was so far the property of the public as to be withdrawn by right from the power of the Crown, or of any servant of the Crown, without the authority of the Legislature, interposed in the form of a special Act of Parliament. The petitioners stated their case in detail, and with full reference to various statutes relating to the illegality of these operations, corroborating their statement by the opinion of three of the most able and learned counsel who now adorned the Bar, namely, Sir Fitzroy Kelly, Mr. Rolt, and Mr. Cairnes. These three learned gentlemen had considered the case of the petitioners maturely, they had then answered it, and they had given a most lucid and able opinion upon it, first separately, and afterwards collectively. They had stated without hesitation that the structure to be erected, and the course of dealing with Hyde Park now adopted, were both illegal; and they recommended that immediate application should be made to the Court of Chancery for an injunction to stay such proceedings. As it was an application not made by individuals for any infraction on their own particular individual rights, but for rights which they enjoyed in common with the public at large, it became necessary that they should make application for an injunction by an information filed in the name of Her Majesty's Attorney General. Such an information, in which the Attorney General was necessarily made the nominal party, proceeded on the relation of individuals; and they were relators to the Attorney General, and in reality were the real plaintiffs in the suit. In all such cases the substantial party was the relator. He had the whole management of it—he gave orders to the solicitor—he attended consultations—he was responsible for the costs. The Attorney General, on behalf of the Crown, or rather on behalf of the public represented by the Crown, was only a formal party, but still a party absolutely necessary to the proceedings. He did not intend by any means to assert that the Attorney General might not by law, at any moment he thought fit, interfere in the suit, and become, instead of the formal, the substantial party. Far from it. He would come to that point presently. This, however, he wished their Lordships distinctly to understand, that the information could only be filed with the assent of the Attorney General. His assent to the proceeding was absolutely as necessary as the assent of the Crown to the issuing out a writ of right. If a subject were disseised of his land, or dispossessed of his right, or ruined by the oppression of any servant of the Crown, by and with the authority of the Crown, he had a remedy provided for him in a petition of right. The Sovereign could only be sued by a petition of right, and the fiat of the Secretary of State was necessary to endorse it, and without it the subject could not recover any land of which he had been unjustly disseised, any title of which he had been illegally deprived, any right of which he had been violently deprived. Such a fiat had never been refused. Now in this case, Mr. Attorney General had been applied to, and had refused his concurrence; and unfortunately there were no means provided by the constitution to compel him to give it. "*Sic volo*" was, on his part, a sufficient answer. The constitution could not compel him to file an information. An Act of Parliament was necessary, or the orders of his Sovereign, which he might disobey or not, as he pleased. It had been thought decorous, and not inexpedient, that Mr. Attorney, before the petitioners approached either that or the other House of Parliament, should have before him the opinions of the three able and experienced counsel taken by the relators. They were laid before Mr. Attorney; and Mr. Attorney, having taken due time to consider them, gave a renewed refusal to the relators; and, what was more, gave also his reasons for that refusal. He had already told their Lordships that the opinions of the three eminent lawyers who had been consulted were distinct, and clear, and unhesitating; that not only was there probable cause for their proceeding to obtain an injunction; that not only was there fair ground of doubt as to the legality of the proceedings in Hyde Park—and such doubt was sufficient to justify them in calling on Mr. Attorney to further their suit into the Court of Chancery—but also, that the facts of the case, and the law applying to the facts of the case, made it indisputable that the merits of the suit were with the relators, and that the encroachment on Hyde Park was contrary to law. Let their Lordships now consider the reasons given by Mr. Attorney for his refusal. But before he proceeded to read those reasons, he must be permitted to say, that if any supposed that he held light the opinion of that able and learned man, or that he entertained any personal prejudice against him, they showed the grossest ignorance of all that was passing in his mind, and of all his former communications with Mr. Attorney from his boyhood, and of all the reverence which he entertained for his illustrious father, who was one of the dearest and most valued friends he ever had in the world. He (Lord Brougham) had always been on terms of uninterrupted private friendship with Mr. Attorney; and whatever remarks he now made upon his conduct were extorted from him by a sense of public duty, and were more painful for him to make than they would be for Mr. Attorney to hear. His Lordship then read the following reasons given by the Attorney General for refusing to file this information:—

"I have in this matter a duty of a judicial nature to perform. The object of the information is to call in question the exercise of the discretion of the Woods and Forests in the management of a part of the property of the Crown. The information states that what the Commissioners of Woods and Forests are about to do is illegal, and injurious to the public. The information states no facts which, in my opinion, establish either of these propositions. But, even if there were a question as to the legality, the Attorney General is bound to judge whether it is for the interest of the public to litigate the question. Cases may be conceived, and indeed not unfrequently arise, in which the letter of the law had been violated, and in which the Court has, nevertheless, required the Attorney General to consider whether he would allow an information to proceed complaining of such violation, even where the Attorney General had already in his discretion allowed the information to be filed, and where, if the information had proceeded, the Court could have done no other than enforce the strict right. The discretion of the Attorney General is interposed to prevent this mischief; and his exercise of that discretion is purely an exercise of a judicial function, and as such I have exercised it to the best of my ability. In the present case the sense of what is for the interest of the public, with relation to what the Commissioners of Woods and Forests propose to do, has been unequivocally expressed by a vote of the House of Commons. It would, in my opinion, be an improper measure on the part of the Attorney General if, in the exercise of his discretion, and acting on behalf of the public, he were to sanction a proceeding directly at variance with that vote. If any private right were affected by my decision it would be a different matter; but I have the satisfaction of knowing that no private right of any individual or individuals can be withdrawn from the consideration of any court, or in any manner affected by my refusal to sanction this information."

Let their Lordships remark—First of all, Mr. Attorney said that he was performing a duty of a judicial nature in examining the discretion exercised by the Woods and Forests in the management of Hyde Park. Next, he said that it was his duty and his right to withhold his sanction if he thought that it was clear that it was not for the interest of the public that he should give it; and, last of all, he said that the House of Commons had come to a decided vote upon the question, and that it would be improper for him to sanction a proceeding directly at variance with that vote. Now, he (Lord Brougham) did not dispute the right of Mr. Attorney to withhold his assent. He had himself known cases where he (Lord Brougham) as Lord Chancellor, had himself said that the Attorney General should not have allowed the information to be filed. But those were cases which rarely occurred—they were cases in which some sinister motive was evidently at work, in which some oppression was practised under pretext of law—in which the cause of complaint was either flimsy or groundless—in which there was no wrong done, no matter in dispute; and in such cases there could be no doubt that the plaintiff ought not to be helped by the Attorney General into court. But was there any analogy between this case and those which he had thus, as it were, hypothetically described? Did the relators act in a spirit of oppression? Did they ask for this information to give any third parties annoyance? The assent of the Attorney General should not have been withheld, but should have been given as a matter of course, as it always was in a writ of error. In a writ of error the permission of the Attorney General was always required; and he well recollected a case where, if it would have been decorous to withhold that fiat, it certainly would have been withheld. He referred to the case of Mr. O'Connell, in which the judgment, after argument on the writ of error, had been arrested, and the prisoners had all been set free. Many thought at the time that the sueing out of that writ of error was a desperate case. He believed that the Attorney General of that day was of opinion that there was no cause for it. Nevertheless, *ex debito justitiæ*, and not *ex gratiâ*, he granted it. Next, Mr. Attorney declared that it would be an improper exercise of discretion on his part to sanction a proceeding directly at variance with a vote of the House of Commons. He thought that Mr. Attorney could not have had before him, when he wrote that sentence, the record of the vote of that House—

"That the report respecting the proposed Exhibition in Hyde Park in 1851 be submitted to a Select Committee of this House for the purpose of examination and due consideration of the same; and that the report of the said Select Committee be laid upon the table of the House, and that the sanction by this House be given to such report before any further proceedings on the part of the Commissioners with regard to the said Exhibition should be proceeded with or adopted by them."

To this an Amendment was moved—

"That an humble Address be presented to Her Majesty, praying that Her Majesty would be graciously pleased to give directions that no building should be erected in Hyde Park for the purpose of the Exhibition proposed to be held in this country in the year 1851."

A discussion took place as to whether the words first proposed should stand part of the question, and the numbers were—Ayes 166; Noes 47. The original Motion then became the question on which the House had to decide, and on a division it was negatived by 166 to 46. This was what the Attorney General called a solemn decision of the House of Commons in favour of the proceeding of the Commissioners. Now, he would deal with this vote not in form but substance, and admit that it was a vote in favour of the proposed building in Hyde Park. But was it a vote in favour of the legality of the proceeding? Nothing of the kind. The legal point was reserved by the judge, if he might so call his noble Friend at the head of the Government, who directed the jury of 200 and odd persons by whom the verdict was found. As the Attorney General had referred to what had passed in the House of

Commons, he (Lord Brougham) supposed he might be allowed to follow his example. He found then, that Lord J. Russell expressed himself, on the occasion in question, in the following terms:—

> "The question before the House was not a question of law, but the question was whether the House should offer any advice to the Crown in regard to the selection of Hyde Park as the site for the proposed Exhibition from a wish to take care of the rights of the public, or whether the House should refrain from offering any such advice. Now, he thought the House might keep such a question as that entirely free from any question of law. If any private rights should be infringed upon, let the parties make any application they please to a court of law."

It was impossible to state in plainer language the wish of the noble Lord at the head of the Government that the question of law should be withdrawn from the consideration of the House of Commons on the distinct understanding that it should be dealt with and decided by a court of law. Supposing, however, that the House of Commons had taken on itself to decide the legal question, would it not be a monstrous thing for the Attorney General to defer to it? A vote of the House of Commons was, of all authorities, the very least and lowest for deciding a question of right either between the public and the Crown, or between private parties. A vote of the House of Lords would be entitled to greater weight; but unless their Lordships were sitting in their judicial capacity, they would not presume to decide a question of right between parties. This was a grave constitutional question. If the Attorney General, without better reasons than those assigned in this case, and because he may be desirous to prevent that which would be displeasing to some people under whom he held office, took on himself to obstruct and frustrate the due administration of justice on a most important question, it was time we should look about us. If a public officer by merely saying, "I will not allow this to be tried," could oust the public of all remedy in course of law or equity, could it be said that this country was governed by law? Could it be said that this was a free country? In the present case we had the public represented by the relators on the one hand; and the Woods and Forests, together with Lord J. Russell, and some Lords of the Treasury, on the other. It is proposed to file an information against Lord J. Russell and the Woods and Forests —the mere creatures of the Treasury—for malversation, when the Attorney General stepped in and said, "I will prevent you from proceeding by refusing my name." This was a greater power than any Judge could exercise. No Judge could keep an information out of the Court of Chancery, or an indictment out of the Queen's Bench. Admitted, the Attorney General had the power to do what he had done, but it was a power to be exercised only under extraordinary circumstances. The Attorney General might, if he chose, enter a *nolle prosequi* in every case of felony and misdemeanour; but would he feel justified in interposing to prevent the prosecution of a man for felony, on the ground that the House of Commons had passed a vote approving of his conduct, and because a strong feeling in his favour prevailed in certain quarters? If an Attorney General were to take such a course, he would merit impeachment. It might be said, why not impeach the Attorney General for his conduct in the case under consideration? He had lived long enough to know that, of all threats, the threat of impeachment was that for which Ministers of the Crown, their servants, friends, and allies cared, not only the least, but absolutely and exactly nothing at all. The only way to deal with these parties was to make their conduct the subject of discussion in the two Houses of Parliament, and to call on them for explanation. He called on whoever might be disposed to answer him to show a single instance previous to the present in which a complaint from the inhabitants of this great capital against the Crown had been stifled in its progress to a judicial determination by the fiat of an Attorney General. Recollect, Lord J. Russell told the House of Commons not to vote an address to Her Majesty, because, said he, the House had nothing to do with legal questions—they must be decided by a court of law; and when the public, comforted by this assurance, set about taking their case into a court of law, they are stopped by the noble Lord's Attorney General. In this way, it might be said, the Attorney General played into the hands of the First Lord of the Treasury. The noble Lord recommended the people to go to a court of law; but when they got there, his Attorney General slammed the door in their faces. It was said that the Crown would protect the interests of the public; but in the present instance the public was opposed to the Crown. It was easy to imagine the Queen addressing her subjects and saying, "I am your foster mother, your tender parent, in whom you may safely confide;" but he would venture to reply, "Most Gracious Sovereign, I deeply reverence your exalted position—I entirely confide in your maternal care; but, nevertheless, as long as kings are kings, and queens are queens, when I have an interest one way, and Your Majesty has an interest on the other, and I am in open and avowed conflict with your servants, who are infringing on my rights by their tortuous proceedings, I hope, Most Gracious Queen, you will forgive me for saying that I had much rather, with all possible respect for the Crown, with all loyal affection for the Royal Person, and with the most profound veneration for the Queen and Constitution, trust for the defence of my rights to myself than to Your Majesty." He had avoided all appeals to popular passions—he had avoided all declamation on popular topics, and had argued the matter strictly according to the law on the subject. But he would ask those who had turned their attention to the ill-omened proceeding which he had brought under the notice of their Lordships, what would be the construction put upon the conduct of the Attorney General? Would any one for a moment believe that the Attorney General had interfered to stop the suit because he thought the public was wrong, and the Crown right? No, it would be universally believed that the Attorney General interposed because he knew that the other party dared not appear in a court of law to defend their proceedings. It would be believed that that party preferred appealing to its majority of 166 in the other House—a majority got together not, as far as he knew, by any effort on the part of the officer endowed with what was commonly called the whip. There were other means of bringing a majority together than the Treasury whip. There were such things as Court influences, and there were those who were mutually influenced by and influenced Courts. There was the whispered something—

> ——— "still to greatness dear,
> Which often vibrates on a monarch's ear."

Those who whispered in dulcet voices to the Sovereign were apt to experience a reciprocation of harmony in their own ears. As fine writing had been described to be "right words in right places," so fine voting might be called right votes in right places. This was a definition, the accuracy of which would be admitted by the 166 who were got together without the ordinary application of the Treasury whip. The votes of the 166 would never efface from the minds of the people of this country the impression that the Attorney General prevented the public from prosecuting their case because he knew that their opponents dared not meet them in a court of law.

The MARQUESS of LANSDOWNE observed, that when the noble and learned Lord rose in his place, he was under the impression that he was about to make the Motion of which he had given notice; but he had substituted another question upon another subject, leading to a discussion totally different from that of which he had given notice. He (the Marquess of Lansdowne) was not going to argue the question, but he wished to set the noble and learned Lord right in one part of his statement. When his noble and learned Friend assumed that this proceeding on the part of the Attorney General had been directed by Her Majesty's Government, he begged leave distinctly to state that it had been the result of no communication on their part. In these proceedings Her Majesty's Attorney General had only exercised the functions and the discretion belonging to his office, which he was relieved from arguing upon, inasmuch as his noble and learned Friend had more than once, in the course of his address, admitted them. The Attorney General was uninfluenced by any party to depart from the course which he conceived to be essential and useful to the public; and he would add, that, were he capable of being so diverted from such a course, he would not be the son of that father whose memory, in common with his noble and learned Friend, he affectionately cherished and reverenced. His noble and learned Friend had adverted to the vote of the House of Commons, and discussed the debate and speeches which took place on that occasion. He was sure that his noble and learned Friend would forgive him for saying that it was one thing to advert to a recorded vote, which they were perpetually in the habit of doing, and another thing to advert to that which he did not say they never did, but which he said they never did without feeling inconvenience, namely, the language employed in the Motions and speeches which took place when the Motions were made. The discretion entrusted to the Attorney General, and which the noble and learned Lord did not deny, was a general discretion to determine for himself whether he would be justified in thinking it fit that his name should be made use of in a legal proceeding of that nature. In the exercise of that discretion the Attorney General must consider what the public weal and the public interest required. Whether he had acted judiciously or not in considering the opinion of so large a body as that which constituted the House of Commons to be the proper exponent of that public feeling, and that public interest, it was for the Attorney General, and not for him, to explain. He was bound to consider whether the relators of this proceeding were the exponents of the general feeling. It was for him to determine whether these relators were only individuals representing their own feelings, or whether they were representing the feelings of the public at large. He had no doubt that, in the only place where he could explain the grounds why he acted on the opinions of these relators, he would be enabled to satisfy the other House, and, through the other House, their Lordships, on the subject. All he (the Marquess of Lansdowne) had to say was, that he did not stand there prepared, still less instructed, to explain or to defend the course pursued by the Attorney General in the exercise of the great and important functions entrusted to him by law, but to express his conviction that he would justify himself both in law, in equity, and in policy, as to his conduct in this matter, and that he would make himself right with the other House, with their Lordships' House, and with the public.

LORD BROUGHAM stated that he had only received the petition late last night, and could not, therefore, have given notice of his intention to present it; but he had informed the Attorney General of his intention to present it to-day. In what he had stated, he wished it to be understood that he had not meant to make any attack whatever upon the Attorney General.

EARL GREY felt some difficulty in reconciling the statement of the noble and learned Lord, that he had intended no attack upon the Attorney General in the speech which he had just delivered; and he certainly thought that the petition might have been presented on Monday as well as that night, had it not been that the noble and learned Lord was anxious that his charge against the Attorney General should go forth to the world without that explanation which, had time been allowed, might have been given by some one of the Members of the Government.

Petition to lie on the table.

CIVIL LIST.

The MARQUESS of WESTMINSTER wished to know when the noble and learned Lord (Lord Brougham) intended to bring forward his Motion with respect to the Civil List? It had been on the paper some time, and had been frequently postponed. He thought he might be allowed to state that he had the strongest possible objection to the Motion. The Civil List had been settled by Parliament, in consideration of the Crown giving up its revenues. The questions which had been put to him by the noble and learned Lord on former occasions, with respect to the Board of Green Cloth, he had answered out of courtesy to the noble and learned Lord; but he felt it to be his duty to decline giving that more extended information which the noble and learned Lord sought to obtain by his Motion. He regretted the animus with which the noble Lord had brought forward his Motion. In bringing forward his Motion he had alluded to the salaries of the Foreign Ambassadors, while the noble and learned Lord must have well known at the time that they had nothing whatever to do with the Civil List.

LORD BROUGHAM said, that he had not yet brought forward his Motion, and thought that the observations of the noble Marquess might well be dispensed with until he had.

The MARQUESS of WESTMINSTER said, the noble and learned Lord had asked him, upon a recent occasion, whether any reduction had been made in the salaries of the officers of the Board of Green Cloth? He was now in a position to state that no reductions had been made.

LORD BROUGHAM stated that it was not his intention to bring forward his Motion then, but he would do so upon a future occasion.

The MARQUESS of LANSDOWNE said, the matter was one of very grave importance; and when the noble Lord was disposed to bring it forward, he would take care to have the Lords summoned.

LEASEHOLD TENURE OF LAND (IRELAND) ACT AMENDMENT BILL.

LORD BEAUMONT moved the Third Reading of this Bill.

The LORD CHANCELLOR said, that no doubt this Bill would settle the doubtful construction to which the Act 12 and 13 Vic. was open. But in order to make it answer more fully the purpose for which it was intended, it would be necessary to fix the maximum of compensation to be given, and that he thought should be at a year and a half's rent. He would, therefore, after the third reading take the opportunity of moving that a proviso to that effect be added.

The EARL of WICKLOW said, that this measure had been introduced and conducted through the House in such a manner as to make it impossible for the House to give the clauses that consideration which they ought to have. It was introduced early in the Session, had been changed four times, and now, when it was on the point of passing, the Lord Chancellor said he should propose to introduce further alterations. But, apart from this, he objected to the principle of the preamble, which stated that "whereas certain doubts had arisen as to the meaning of certain clauses," because he held in his hand a report in which the Master of the Rolls stated that there could not be the slightest doubt as to the meaning of the Legislature in the Act. The fact was, it was brought forward for the purpose of forestalling an application about to be made to their Lordships' House in its judicial capacity by way of appeal against a decision given in the courts of law. He thought it would be the better plan now to withdraw the Bill, and, if it were really necessary, to reintroduce it next Session under the auspices of the Government. He moved that the Bill be read a third time that day three months.

LORD BEAUMONT said, if their Lordships approved of the Amendment, it would be in fact an approval of the principle of taking a man's property without paying him 6*d.* for it. The Act as it stood allowed such a proceeding, and although it was known that the Legislature had no such intention, persons in Ireland were found who took advantage of it. In England that would be called robbery; what did the noble Earl call it in his country?

The EARL of WICKLOW said, he called the Act a measure introduced by Her Majesty's Ministers, supported by their arguments, and agreed to by the House on those arguments.

LORD MONTEAGLE said, the existing law was so doubtful, it was impossible that it could be construed consistently with common sense. He suggested that the Amendments of the Lord Chancellor should be printed, and that the Bill should be postponed, not for three months, but until some early day next week.

LORD REDESDALE supported the Bill as an act of justice; but thought the House ought to be careful how it proceeded with this kind of legislation. When the Act itself was read a third time, a number of clauses were introduced, in spite of his opposition, on the ground that they had not been sufficiently well considered, and it was on some of the clauses so introduced that doubts had arisen.

The BISHOP of DOWN and CONNOR supported the proposal of the Earl of Wicklow for postponing the further prosecution of the Bill this Session.

The MARQUESS of WESTMEATH held that it concerned their Lordships' honour not to postpone the Bill. An act of injustice had been done last Session, and this was intended to rectify it.

The LORD CHANCELLOR said, that the two former Acts on the subject had been referred to him by the noble Marquess (the Marquess of Lansdowne) for consideration. By the 5th section of the last of the two Acts it was expressly provided that where a change was made of a leasehold reserved rent into a fee-farm rent, compensation should be given to the landlord for that which was taken away from him by the change. There could be no doubt that it was the intention of the Legislature to give to the landlord that compensation. With regard to the mode of ascertaining the value of the landlord's interest, that was prescribed by the first of the two Acts, and there would exist no more difficulty in this case than in any other.

LORD STANLEY thought, after the Bill should have been read a third time, it would be convenient that the Amendment proposed by the noble and learned Lord should be postponed to some day next week, that the parties out of doors might consider whether it would have the effect of remedying the acknowledged error in the present law.

The MARQUESS of LANSDOWNE felt bound, in justice to the noble and learned Lord on the woolsack, to say that he (the Marquess of Lansdowne) considered the Amendment proposed by that noble and learned Lord essential, both in law and equity, to the giving full effect to the intention of the Legislature.

Amendment withdrawn; and the said Bill was read the third time. Then an Amendment was moved by the Lord Chancellor; and a debate arising thereon, debate adjourned to Monday next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, July 26, 1850.

MINUTES.] NEW MEMBER SWORN.—For Chester City, Hon. William Owen Stanley.

NEW WRIT.—For Dungannon, *v.* Viscount Northland, Chiltern Hundreds.

PUBLIC BILLS. — 1ª Fees (Court of Common Pleas) (No. 2) Duke of Cambridge's Annuity.

2ª Excise Sugar and Licences.

3ª Factories; Poor Relief; Cruelty to Animals (Scotland).

OATHS OF JEWISH MEMBERS—BARON DE ROTHSCHILD.

The Baron Lionel Nathan De Rothschild, returned as one of the Members for the City of London, came to the table to be sworn; and being asked by the Clerk what Oath he wished to take, the Protestant or the Roman Catholic Oath, he replied, " I desire to be sworn upon the Old Testament:" —Whereupon the Clerk having stated the matter to Mr. Speaker, Mr. Speaker directed him to withdraw.

SIR R. H. INGLIS: Sir, I protest to this House that I heard distinctly the words pronounced, " I desire to be sworn on the Old Testament." [" Oh, oh!" *and* " Order!"] I was not mistaken in that phrase. Sir, from the time that this nation has been a Christian nation, and from the time that this Legislature has been a Christian Legislature, no man has ever—if I may use the word without offence—no man has ever presumed before to claim his seat here, unless he was prepared to take it under the solemn sanction of an oath in the name of our common Redeemer; if not upon that book which contains His revealed will and word, at least upon some outward symbol of our common redemption. Sir, I do not undervalue—God forbid that I should! —I do not undervalue the Old Testament. If the hon. individual who came to the table had asked to be sworn upon the Bible, although with my knowledge of what his mind would be, I should, even then, refuse his request. Now I feel doubly bound to do so, when by the terms of his proposition he asks me and the House to abrogate that second part of the book on which the Christian faith is fixed. But, Sir, we have not an Old Testament in our collection. The Old Testament is found in our courts of criminal jurisdiction; and if this was a court of criminal jurisdiction, and the hon. individual had come forward as a witness, the case would have been entirely different. But we all know in this House that the hon. individual who came to the table, came to claim his right to legislate here for the Church and religion of this still Christian country. Therefore I, for one, will never give my sanction to any mode by which he could be admitted.

MR. W. P. WOOD rose to order. He begged to observe that there was no question before the House.

MR. SPEAKER stated that the hon. Member for the University of Oxford was in possession of the House, and might conclude with a Motion.

SIR R. H. INGLIS: Even if I was not in order, and if I intended to propose no Motion, there is business before the House which I think justifies me in addressing you, inasmuch as an individual approached the table, and has been requested to withdraw in consequence of a request he made; and until the House shall have decided upon the question of the acceptance or rejection of the request of that individual, or upon some other course to be taken under the circumstances, I apprehend, with all deference to the hon. and learned Gentleman, that I myself, or any other Member of this House, may address themselves to the subject as I have done. I could well wish that the majority of the House would rise with the same principles and objects which are so dear to my heart; but, whether the heart and mind of the majority of the House be with me or not, I will never shrink from declaring that, as all my life I have done, I will at least endeavour that in name and profession we shall be, and in our habits we shall be, what we profess to be—a Christian Legislature for a Christian country. If then it be necessary in form to conclude with a Motion, I would conclude with one like this—That it had been the practice of this country, ever since it had been a Christian country, to regard the Members of this Supreme Legislature, whether King, Lords, or Commons, as bound by Christian obligation and by none other, and that no man approaching this table should take part in our deliberations, or ought to be permitted to take such part, except under the sanction and obligation of Christian profession, whether by declaration on oath, or by touching some symbol connected with the Christian faith. If the hon. and learned Member for Oxford says it is necessary to put it as a question of principle that it is unnecessary for a person to make profession as a Christian, I will, if the House will permit, write down what I will propose as a Motion.

MR. HUME said, that the hon. Baronet seemed to have omitted to state that the Baron Rothschild had been chosen and elected by the city of London.

Motion made, and Question proposed—

"That from the earliest times of the existence of a Legislature in England, no man was ever admitted to take any part therein except under the sanction of a Christian Oath; and that the Baron Lionel Nathan de Rothschild having requested to take the Oaths on the Old Testament, and having, in consequence, been directed by Mr. Speaker to withdraw while the House deliberated, this House refuses to alter the form of taking the Oaths."

The ATTORNEY GENERAL: Sir, I propose to take the course which I apprehend will be consistent with the due dignity of this House, and with the magnitude and importance of the occasion, and the House will, I think, observe that it has in this case a judicial duty to perform, and that no feeling whatsoever of any party considerations ought to enter into the decision to which the House may come upon the present occasion. I propose, therefore, without expressing at present any opinion upon the subject before the House, to ask the House to adopt in this case a course similar to that which was adopted when Mr. O'Connell was elected for the county of Clare. Mr. O'Connell came to the table, and declined to take the oath which was then in usage in this House. After that, and an adjourned debate, it was moved by the late Sir R. Peel that Mr. O'Connell be heard at the bar of the House upon his claims; and I now propose to ask the House to follow a similar rule in the present case, and to adopt a Motion in exact conformity with what was done on that occasion. I propose to ask the House to leave out all the words after the first of the Motion proposed by the hon. Baronet the Member for the University of Oxford, for the purpose of inserting in their place other words to that effect. I apprehend that that is the course which it would be consistent with the dignity of this House to take upon the present occasion. The question would then be upon what ground the Baron de Rothschild claimed the right to take the oaths upon the Old Testament; and after hearing his case upon that point, it would be fitting that the House should debate with a view to come to a conclusion as to what course it would be proper to take. These are the identical words of the late Sir Robert Peel's Motion, which was adopted by the House without any division, and Mr. O'Connell was heard.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'Baron Rothschild, one of the Members for the City of London, be heard at the Bar, by himself, his Counsel, or Agents, in respect of his claim to sit and vote in Parliament upon taking the Oaths on the Old Testament,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. W. P. WOOD said: I think it will be scarcely necessary for me to follow at any length the somewhat singular course of the hon. Baronet the Member for the University of Oxford, in moving his resolution by starting with an avowed declaration of his Christian principles—a declaration which I should have thought extremely unnecessary, because we may fairly assume that those principles are common to the whole House—instead of taking that view which I apprehend to be the constitutional view of the subject—namely, whether or not a gentleman who has been twice returned as a Member for the metropolis of our own country—one amongst the largest constituencies in the country, consisting of Christians as distinguished—I wish to make no invidious comparisons—but I would say, as distinguished as the hon. Baronet himself—I say the constitutional question, whether or not a person so returned and so elected, is or is not entitled to those privileges which, it must be admitted, are the common privileges of every British subject until the law be enacted debarring him from them. If the hon. Baronet had entered into that question, the address which he offered to the House might have been pertinent to the subject before the House; but as his whole argument proceeded on a principle with which I entirely agree, I hold myself excused from saying one word more on the arguments which he offered to the House. The hon. and learned Attorney General has met that hon. Baronet's resolution by an Amendment which seems to me not to meet the case before the House. If the claim had been of another nature—namely, to alter any portion of our existing law—then it might be right that Baron de Rothschild should have the assistance of counsel; but there is one important feature in this case which appears to have been overlooked, and that is, that the Baron has not, as in the case of Mr. O'Connell, required to be heard by counsel. In that case Mr. O'Connell requested to be heard.

["No!"] It will be found on the journals of the House. They state that Mr. O'Connell wished to be heard by counsel. [Sir G. CLERK: After the resolution.] I have the entry in my hand. Mr. Brougham moved that Mr. O'Connell be heard at the table, when Lord Duncannon said he was requested by the hon. Member for Clare to request that he might be heard at the bar. The question was adjourned until Monday, and after that the Motion to be heard by counsel was acceded to. Now, two of the three oaths to be taken, form no difficulty in the way of the hon. Member. He is prepared to take the oaths of supremacy and allegiance, in the way which no lawyer will venture to deny is the universal mode of administering an oath. I should like to see any lawyer rise and say that a Jew could be prevented taking an oath in the ordinary form, "So help me God!" on the Old Testament. A Committee of the House has sat on this question, and has reported that Mr. Alderman Salomons, on filling the office of sheriff of the city of London had taken an oath of allegiance and supremacy in the same terms as they were taken by Members in this House. There is a special statute by which the words "on the true faith of a Christian" are inserted in the oath of abjuration; but there are no such expressions in the other two oaths. The oaths are three; they are not imposed by the same statutes. The oaths of allegiance and supremacy are imposed by different statutes from the oath of abjuration. The two former, as they now stand, were fixed by an Act, 1st of William and Mary, which required those oaths to be taken thereafter in the form prescribed in the Act, and repealed an Act of the 30th of Charles II., which originally imposed the two oaths, but re-enacted that the parties should take the oaths—namely, those administered to Members on taking their seats, under the same disabilities as the oath of supremacy was directed by the Act of Charles II. to be taken under. Therefore, those two oaths are to be taken pursuant to the statute of William and Mary, wholly irrespective of the oath of abjuration, but under the penalties of the statute of Charles II. The House will find that if Baron Rothschild—

MR. A. B. HOPE rose to order. The hon. and learned Member for the city of Oxford had made several allusions to the Baron de Rothschild. Now, he (Mr. Hope) apprehended that the only Barons known to the English constitution were Members of the House of Peers.

MR. W. P. WOOD: I will easily correct my mistake by calling the Baron hereafter the Member for the city of London. If the hon. Member for the city of London should take his seat without taking the oaths of allegiance and supremacy, which he has tendered himself to take, if he should be compelled by any resolution of the House to seat himself without taking those oaths, the consequence would be that he would become at once a Popish recusant convert. But the oath of abjuration, which was originally imposed by the 13th William and Mary, had during the time between the 1st and the 13th no existence. I affirm that no lawyer will assert that during that interval Baron de Rothschild could have been excluded. The only oath a Jew could take up to that time was on the Old Testament; but the 13th William and Mary enacted the oath of abjuration, which was altered into the law as it now stands by the 6th Geo. III. Here are three oaths—supremacy, allegiance, and abjuration. The hon. Member for the city of London has tendered himself to take two of the oaths, as Mr. Alderman Salomons did. The House is aware that the administration of oaths was within the last century adjudicated upon by Lord Hardwicke; and the case was this. There was a form of commission in Chancery for the examination of witnesses. Time out of mind this commission had tendered oaths without difficulty, but at last a Hindoo came to be examined, and it was ruled that the practice should be regulated by the principles which rule all law. An application was made on behalf of the witness, that the words "corporal" and "upon the holy evangelists" should be left out, and, instead, the words "on a proper oath, in the most solemn manner" substituted. Lord Chancellor Hardwicke, upon this application, said—

> "It depends upon what is admitted on the other side, that the defendant in the cross cause is of the Gentoo religion and an idolater. I have often wondered, as the dominions of Great Britain are so extensive, that there has never been any rule or method in cases of this sort. The general rule is, that all persons who believe a God are capable of an oath; and what is universally understood by an oath is that the person who takes it imprecates the vengeance of God upon him if the oath he takes is false. It was upon this principle that the Judges were inclined to admit the Jews, who believed a God, according to our notion of a God, to swear upon the Old Testament. And Lord Hale very justly observes, it is a wise rule in the kingdom of Spain that a heathen and

idolater should be sworn upon what he thinks is the most sacred part of his religion. If a Jew should be indicted for perjury, and it is laid in the indictment that he swore *tactis sacro-sanctis Dei evangeliis*, yet, according to Hale, the word *evangeliis* in the indictment may be answered by the Old Testament, which is the *evangelium* of the Jews. In order to remove the difficulties in this case, I shall direct that these words upon 'the Holy Evangelists' may be left out. The next consideration is, what words must be inserted in their room? Now, on the part of the plaintiff in the cross bill, it is desired that I should appoint a solemn form for the oath; I think this very improper, because I may possibly direct a form that is contrary to the notions of religion entertained by the Gentoo people. I will, therefore, make this rule: that two or three of the commissioners may administer such oath, in the most solemn manner as, in their discretions, shall seem meet: and if the person, upon the usual oath being explained to him, shall consent to take it, and the commissioners approve of administering it (for he may perhaps be a Christian convert) the difficulty is removed, or if they should think proper to administer another oath, that then they shall certify to the court what was done by them, and that will be the proper time to controvert the validity of such an oath, and to take the opinion of the Judges upon it if the court should have any doubt. The words 'corporal oath' may stand for lifting up an arm or other bodily member. This will come up to the meaning of a corporal oath; but, upon the Attorney General suggesting that there might be no ceremonies in their form of taking oaths, these words were likewise left out, and the words 'most solemnly' to be inserted in their room."

Similar orders appear to have been made for the examination of witnesses, and in 1774 the whole matter came on to be argued on the return of the commissioners (which stated the mode of swearing to have been "by the witnesses touching with their hands the foot of the Brahmin or priest [with some other ceremonies], being the usual and most solemn form in which oaths are most usually administered to witnesses who profess the Gentoo religion") whether the answer and evidence so taken could be read. The discussion was very full, and Lord Chancellor Hardwicke was assisted by the Lord Chief Baron Parker, Lord Chief Justice Willes, and Lord Chief Justice Lee. The counsel who opposed the admission of the evidence, relied on the constant form of the commission and on the law of England requiring oaths to be on the Evangelists, and on indictments for perjury, being framed with these words, *per se sacro evangelio voluntarie et corrupte commisit perjurium;* on the other side, many instances were given of Jews being sworn on the Old Testament, and authorities cited as to the admissibility of all witnesses who believed in a Supreme Being. The Chief Baron appears to have laid down the rule, as stated in the Declaratory Act of 1 & 2 Vict., c. 105. He says—

> "It is plain that by the policy of all countries oaths are to be administered to all persons according to their own opinion, and as it most affects their conscience, and laying the hand was originally borrowed from the Pagans. It is said by defendant's counsel, that no new oath can be imposed without an Act of Parliament. My answer is 'This is no new oath.'"

Lord Chief Justice Willes, after stating that Maddox's History of the Exchequer clears it up beyond all contradiction that Jews were constantly sworn, and from the 19 Car. 1 to the present time have never been refused, says, "The nature of an oath is not at all altered by Christianity, but only made more solemn, from the sanction of rewards and punishments being more openly declared." In another passage he says, "The form of oaths varies in countries according to different laws and constitutions, but the substance is the same in all." Lord Chief Justice Lee gave an opinion to the same effect. Lord Chancellor Hardwicke decided in favour of the admission of the evidence, and stated his opinion as follows:—

> "The next question will be, whether the depositions ought to be read, which depends upon two things: first, whether it is a proper obligatory oath; secondly, whether, on the special circumstances in this case, such evidence can be admitted according to the law of England. The general learning upon this head has been fully enlarged upon by the Lord Chief Justice. The first author I shall mention is Bishop Sanderson, *De Juris-juramenti Obligatione. Jurisjuramentum,* saith he, *est affirmatio religiosa.* All that is necessary to an oath is an appeal to the Supreme Being, as thinking him the rewarder of truth and the avenger of falsehood. Vide the same author, pages 5 and 18. This is not contradicted by any writer that I know of but Lord Coke, who has taken upon him to insert the word Christian, and is the only writer that has grafted this word into an oath."

Therefore when the hon. Baronet the Member for the University of Oxford took upon himself to say that the oath had never yet been administered to any person except a Christian— [Sir R. H. INGLIS: I said in the Legislature.] He cared not how it was; but when the hon. Baronet took upon himself to say that he erred in good company, for he erred in company with Lord Coke, whose error was to be accounted for only by his peculiar feelings towards the Jews, all of whom he declared to be aliens, because they were subject to a foreign prince, to wit, the Devil. But no other legal authority has acquiesced in the view of Lord Coke. The hon. Baronet says that what we demand has never been done in the British Legislature; but I apprehend that what we are going on is this. Here is a British subject having the qualification of a Member of Parliament with reference to property, who has been elected by his fellow citizens, against whom a petition of disqualification was presented but subsequently abandoned; and this gentleman claims the privilege, and, let me add, the duty, of representing fellow citizens in this House. There is nothing to exclude him from the House if he takes the oath prescribed by Act of Parliament. The only question is whether the oath he refuses to take differs essentially from the other. I call on the House to show how they differ. I apprehend that the oath might be administered under the common or statute-law, without the excluding passage. I apprehend that wherever an oath is enacted, there is no question about a Jew taking it on the Old Testament, and yet we do not see any where, even in a Railway Act, that it is laid down that he should be sworn on the Old Testament. The course to be taken is prescribed in the case of the Quakers, because they take no oaths at all; but in other cases, it is assumed that it should be administered in the way most binding on the conscience. But, in order to prevent any dispute, there has been passed a declaratory Act, which finally settles the question, 1 and 2 Vic., c. 105, called Lord Denman's Act. It runs thus:—

> "Be it declared and enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons in this present Parliament assembled, and by the authority of the same, that in all cases in which an oath may lawfully be and shall have been administered to any person either as a juryman or a witness, or a deponent in any proceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on any occasion whatever—"

"Whatever;" does not that apply to an oath to be taken before that House?—

> "such person is bound by the oath administered, provided the same shall have been administered in such form and with such ceremonies as such person may declare to be binding; and every such person, in case of wilful false swearing, may be convicted of the crime of perjury in the same manner as if the oath had been administered in the form and with the ceremonies most commonly adopted."

I say, then, that all the Legislature requires by an oath is, that the party should be bound; and if he were bound, then the hon. Member for the city of London has a right to come here and demand his seat. If my hon. and learned Friend the Attorney General had not moved his Amendment, it was my intention to have moved the following resolution: — "The hon. Lionel Nathan Baron de Rothschild having presented himself at the table of this House in order to take the oath required by law to be taken by Members before admission to their seats, and before the oath of allegiance being tendered to him having required that the same should be administered to him on the Old Testament, which he declares to be the mode of administration binding on his conscience, the clerk be desired to administer the said oath of allegiance accordingly." This I think the hon. Member for the city of London is entitled to. I admit that we should proceed gravely in this matter, and I wish so to treat it, and not in any way as a party question. But, Sir, I say it is not for the credit of this House, or the credit of the law officers of the Crown, to treat a matter of clear law like the present as a disputable point. There may be serious questions perhaps in regard to the third oath—the oath of abjuration—but we have not arrived at that yet; the oath of allegiance stands first, and that the Baron de Rothschild is ready to take, and I say, that by law, he has a right to do so. The electors who have returned him have also a right to demand it. I would ask the House this question—Mr. Alderman Salomons has been sworn on the same oath to the office of sheriff—he was appointed Sheriff of London, and has taken the oath on entering upon the duties of that office in the same way as the Baron de Rothschild claims to take it now—suppose he had been refused, what would have been the result? Not only would the city of London have lost his services, but he himself would have been liable to heavy penalties for not serving. The city of London had a right to call upon him to take the oaths, and he did so; and in like manner the city of London had a right to say to Baron de Rothschild, "You have been elected by us as our representative—you must go to the House of Commons and offer to take the oaths required on admission to that House—we will not impose anything upon you that may be opposed to your conscience, but you must go and show that you are ready to enter upon the duties you have undertaken at your election; and unless there be some law or statute to prevent you, we insist upon your doing so." I regret to say that for the reasons I have stated I shall be obliged to vote not only against the Motion of the hon. Gentleman the Member for Oxford University, but also against the Amendment of my hon. and learned Friend the Attorney General.

Mr. J. S. WORTLEY said, that considering this question to be one intimately affecting both the privileges of the House of Commons and the constitution of the country, and considering the position of the hon. Member who had offered himself at the table, and the constituency that he claimed to represent, it was impossible to overrate the importance of the subject. He could not too strongly express his concurrence in the opinion of his hon. and learned Friend the Attorney General, that, proceeding as they were in the case, judicially, it was essential to the dignity and character of the House that they should act with due deliberation; and, further, he thought it would be wise on this occasion, as nearly as they could, to follow in the steps of those who had preceded them, and to take the course which they had taken in circumstances of a similar character. To a great extent he should be prepared, if called on to come to a vote at that moment, to assent to much that had been said by his hon. and learned Friend the Attorney General; but in referring to the instance which had been alluded to, he had omitted to refer to one very important step taken upon that occasion, and which he thought upon this occasion was even more necessary than then. It was at that time well known that Mr. O'Connell was about to tender himself at the table of the House, and it was equally well known that he was about to take objection to a particular oath, and therefore the question was not new; but, in the present case, he believed that up to twelve o'clock last night it was totally unknown to the great majority of that House that it was the intention of Baron de Rothschild to appear at the table to-day; and, for his own part certainly, until a very few hours from that time, he had not heard that they should be called upon to come to a decision upon this question. He had not had the honour of belonging to the Committee to whose report the hon. and learned Member for the city of Oxford had alluded. He certainly had read the report at the time it was issued; but since the noble Lord at the head of the Government had introduced his Bill, he had dismissed the subject from his mind. But when the hon. and learned Gentleman the Member for the city of Oxford distinguished between the question of taking that oath which included the words, "on the true faith of a Christian," and that of taking the oath of allegiance merely, and claimed that now the only question before the House was, whether the hon. Member for the city of London was entitled to be sworn upon the Old Testament, he must say that he thought it was impossible to consider the question satisfactorily without referring to the whole of the difficulties of the case. He had upon all occasions supported any measure for the admission of Jews into Parliament; but when this matter was mentioned early in the Session, he ventured to caution the House against taking any indirect mode of proceeding. He was sure that that House would not consent to be taken either by storm or surprise; and he was certain that the hon. Gentleman who had come to be sworn at that table would be the last man, either in that House or elsewhere, to endeavour by any indirect mode to obtain what he sought in an open and honourable manner. Under these circumstances, reference must be had to what had been done on a former occasion. He found that the late Sir Robert Peel—whose absence upon that occasion, as he feared on many future occasions, they should have over and over again to lament—he who above all Members was jealous of the privileges of that House, and who was most learned in the history and principle of those privileges—feeling that occasion to be a grave one, and one demanding deliberation, immediately on the discussion arising, proposed that it should be adjourned to a future day for the purpose of consideration. That was unanimously agreed to by the House. Upon Friday Mr. O'Connell presented himself, and on the Motion of Sir Robert Peel the discussion was adjourned till the following Monday, and then it was that the Motion was made which had been alluded to by his hon. and learned Friend the Attorney General, and which was unanimously assented to by the House. He thought, considering the little notice that the House had had—and that, as regarded a great portion of that House, at all events, they had not an opportunity of becoming acquainted with arguments into which the hon. and learned Gentleman the Member for the city of Oxford, as chairman of the Committee, had been enabled to enter, it would be wise on the part of the House to follow the precedent in Mr. O'Connell's case. He begged to move, therefore, that the debate be adjourned until Tuesday next, at twelve o'clock.

Motion made, and Question proposed, "That the debate be now adjourned."

LORD J. RUSSELL: Mr. Speaker, I own I think when an hon. Gentleman in this House asks that this debate should be adjourned, and considering the circumstances which can be stated and which the right hon. and learned Gentleman has just stated, namely, that up to last night no one expected that Baron de Rothschild would claim his seat, that that proposition is so reasonable, and so conformable to the usages and character of this House, that I think time ought to be taken for deliberation. I do not think that the hon. and learned Gentleman is exactly following the precedent in Mr. O'Connell's case, because he will find that when Mr. O'Connell claimed to take his seat in this House, it was proposed, I think by Mr. Brougham, that he should be heard at the table in support of his claim. The late Sir Robert Peel doubted whether that was the course which ought to be pursued, and asked time to deliberate and consider that question. On Monday Sir Robert Peel proposed, that instead of Mr. O'Connell's being heard at the table, he should be heard at the bar, as being more conformable to precedent, and more required by the justice of the case; and having come to that conclusion, the House willingly agreed to that amendment of the Motion, and that resolution was adopted. That precedent now exists, and it is one which I think we may safely follow. But the hon. and learned Member for the city of Oxford says, he cannot adopt the resolution of my hon. and learned Friend the Attorney General, because Baron de Rothschild has not asked to be heard in support of his claim, and that such a resolution ought not to be carried unless some claim is made. Now, Sir, in the cases that have happened—in the case of Mr. Archdall, as well as that of Mr. O'Connell, who claimed their seats without taking the oaths which are prescribed for Members who take their seats in this House, they stated why they wished to be exempted from taking such oaths, or from taking certain oaths in the manner prescribed. I think, therefore, it would be well for the House to give Baron de Rothschild an opportunity of doing that which Mr. Archdall did by letter, and Mr. O'Connell by speech, and which he would be at liberty to do if he thought fit. If Baron de Rothschild chooses to say that he has made his claim, and does not wish to urge any reasons in support of it, of course the House is then in a situation to come to a decision upon it. Baron de Rothschild is perfectly at liberty to say that he does not wish to be heard by himself, or his counsel, or his agent, but is ready to leave the question entirely in the hands of the House. We do not, therefore, prejudice him in the least degree by saying that, before the House comes to a decision upon this grave and important question, we are willing to hear any reasons which he has to allege in favour of his being sworn on the Old Testament, instead of in the manner in which a Member of this House is usually sworn. However, as I have said, I think that this proposition to be sworn on the Old Testament being one which, however it may be familiar to courts of justice, has not been made before in this House, it is fit that the House should take due time for deliberation, and that, whether Baron de Rothschild choose to be heard by himself, his counsel, or his agent, or whether the House proceeds to a decision on the case as it now stands, on the report of the Committee, some days for deliberation are due to the gravity and importance of the question. The right hon. and learned Gentleman the Member for Buteshire says, he has not attended sufficiently to the report of the Committee, which is on the table of the House, to be able at present to state the view that he takes of it. Now, if that be true of the right hon. and learned Gentleman, who is as likely as any Member of this House to attend to questions affecting the constitution and laws of this country, how much more must it be the case of many other hon. Members, who cannot have duly attended to the very important information which is contained in the report of that Committee? I hope, therefore, that hon. Members will carefully read that report, which is full of the most interesting matter, stated without any argument on one side or the other, but in such a way as to enable Members to make up their minds on the practical question before them, and that we may on some day next week come to a discussion of the subject. I should rather wish that the convenience of the hon. Member himself who claims a seat in this House should be consulted with respect to the day to be named. If there is any day next week on which it would be more convenient for him than another that the discussion should come on, that day ought to be fixed; and I think that the House cannot attempt too gravely or too deliberately to interfere in the question now before it. Let them consider that this is not a question merely of the general principle which should guide this House, but that it is a question of the law and constitution of this country, and that in deciding this question they will determine a most important precedent. I do hope, therefore, that every care will be given to the consideration of the subject. I, like my hon. and learned Friend the Attorney General, do not propose to say a single word at present upon the merits of the question, but I really do hope that this House, though they must come to a division of opinion in the end with respect to the rights which the hon. Member for the city of London may claim, and with respect to the decision which they ought to come to, will endeavour in the preliminary stage to come to a decision, without any difference of opinion, that this question should not be hastily or partially considered, but should be dealt with with all the caution, care, and deliberation which it is desirable that questions of this nature should receive.

Sir B. HALL should feel it his duty to join with his hon. and learned Friend the Member for the city of Oxford in voting against both propositions. He admitted that the right hon. and learned Gentleman who preceded the noble Lord in the debate could not have known until a late hour yesterday that the subject would be brought under consideration to-day; but while he admitted that, it was right to say that he and others who had taken an active part in bringing the question forward had no desire to take the House by surprise, and that the noble Lord had done no more than justice to Baron de Rothschild in exonerating him from any such intention. But he must be allowed to remind the noble Lord and the House of the position in which the city of London was placed. The noble Lord had promised to take up the question, and over and over again he had stated, during the present Session, that he did intend to persevere with the measure which he had introduced; and it was only a few nights ago, when explaining what were the measures the Government proposed to abandon, and what they intended to proceed with, during the present Session, that he declared most emphatically that it was their intention to take the opinion of the House of Commons upon the question, whether, by the mode proposed by that Bill, the hon. Member for the city of London, the noble Lord's Colleague, should be permitted to take his seat or no? It was competent for the noble Lord to have raised that question, either by a Resolution or a Bill; and he (Sir B. Hall) believed that, so late as Saturday last, it was the opinion of those gentlemen who took an active part in the election for the city of London that the noble Lord did intend to bring forward a Motion of the kind at no very remote period. But, within forty-three hours of that time, namely, on Monday last, the noble Lord had come forward and stated that he did not intend to proceed with any measure on the subject during the present Session. As soon as the electors of London saw that announcement in the newspapers of Tuesday, they sent round a circular calling on those who take an interest in the representation of the city of London to meet together to consider the course to be pursued in consequence. A meeting of the electors of the city of London accordingly took place on the previous day, at which it was determined that, as the noble Lord had abandoned his expressed intention of bringing forward the subject for the consideration of the Legislature — [Lord J. Russell: No!] — for the present Session, that the citizens of London would no longer be trifled with, but would desire their Member to go down to the House of Commons, and present himself at the table for the purpose of having the question raised and decided. Under these circumstances, no notice could be given, and no blame attached either to the Baron de Rothschild or to the citizens of London. If any one was to blame in the matter, it was the noble Lord, who had postponed the question indefinitely, and not the citizens of London. The precedent which had been referred to had not been stated altogether correctly. In 1829, when Mr. O'Connell presented himself, he refused to take the oath; but they would not give to Baron de Rothschild the opportunity of taking the oath; and although a positive Act, which had been passed recently, and which had been quoted by his hon. and learned Friend the Member for the city of Oxford, though they had that Act before them, it having been presented in the report of the Committee—notwithstanding that Act, and its clear and unmistakeable meaning, they said they would take time to consider the meaning of it, and refused to give any decision on the question at issue. Had his hon. and learned Friend the Attorney General, and others who took the same course, really any doubt as to the meaning of that Act; or was not the proposition made for the purpose of delay? For what were the words of the Act? They were, "on any occasion whatever." To this the hon. and learned Member for the city of Oxford answered, "But this is the first time a gentleman professing the same opinions as the Baron de Rothschild entertains has presented himself for admission to this House." He (Sir B. Hall) could not see how that reason applied more in the case of the Baron de Rothschild, than it applied in the case of Mr. O'Connell, when the Emancipation Act passed, and he presented himself at the table to be sworn. He could see no difference between the two cases in that particular which should prevent the Baron de Rothschild being placed in the same position as Mr. O'Connell was placed in. Now, let him call attention to what took place in the House of Lords when sitting judicially. There, when any Jew was sworn, was he not sworn on the Old Testament? And he could see no reason, if they allowed an oath to be taken by a witness in the House of Lords, why the same oath should not be taken by a person of the same religion when returned as a Member to the House of Commons. He submitted that the course they ought to pursue was, to allow the hon. Gentleman to be sworn on the Old Testament, in the way prescribed by the Act of Parliament before them. Then the question might be raised if he declined to go through the whole of the oath, but stopped short at certain words—then the Motion submitted by Sir Robert Peel in 1829 might fairly be brought forward for consideration. But what was the course pursued in that case? Then there was no delay. Mr. Brougham proposed that Mr. O'Connell should be heard at the table; and in the course of the debate which ensued, Sir Robert Peel moved an adjournment until the following Monday, and then—(and the hon. and learned Member for the city of Oxford was quite right when he said that Lord Duncannon asked that the Member for Clare might be heard in support of his claim)—then Sir Robert Peel moved that the hon. Member for Clare—mark, not the individual, Mr. O'Connell, but the Member for Clare—might be heard by himself, counsel, or agent, at the bar, in support of his claim, to take his seat without subscribing to the oath of supremacy; and that Motion was carried. Was there any delay there? None; for, after a few words from Mr. Brougham, his proposition was withdrawn, and when he sat down the Speaker put the question, which was unanimously carried in the affirmative, and Mr. O'Connell was immediately called to the bar. Here there was no delay. True, there was an adjournment of the debate, but not on the proposition whether Mr. O'Connell should be heard, but whether he should be heard at the table or at the bar of the House. That was the question discussed; and as soon as it was determined that he should be heard at the bar, there was no delay such as was proposed in the present case, but the question was at once put and carried, and Mr. O'Connell was called in. Under all the circumstances, having a plain Act of Parliament before them, which, he contended, was so clear and concise that there could be no doubt as to its construction, he should give his vote against both propositions.

Mr. C. ANSTEY said, that the precedent of the Clare election was not at all applicable to the present case. In that case, Mr. Brougham moved, "That Mr. O'Connell be called back, and heard at the table." The late Sir Robert Peel moved, as an Amendment, that the debate be adjourned till the following Monday, giving as his reason that he wished time to consult precedents, to enable the House to decide whether Mr. O'Connell should be heard at the bar or at the table. A further question arose at a later period of the debate, and Sir Robert Peel was asked, "Do you mean to look for precedents whether Mr. O'Connell be heard at all?" and his answer was, that he did not; but merely whether, as in the cases of Sir H. Mounson and Lord Fanshawe, he should be heard at the table or at the bar. His reason for objecting to his being heard at the table was, that by a strict construction of the statute, Mr. O'Connell would expose himself to a statutory penalty for having spoken in the House without taking the oaths. The adjournment accordingly took place till Monday, it having been arranged that it should then take precedence of everything else, and that it should be finished in one night. Lord Duncannon had previously stated that he was instructed by the hon. Member for Clare to state that he claimed the privilege of being heard before the House in support of his claims. Now, what he wished to press upon the attention of the noble and right hon. Personages who were in favour of obstruction and delay on this occasion was this, that the only reason urged by the late Sir Robert Peel for delay in the case of Mr. O'Connell was, that he wished for time to consult precedents whether he should be heard at the table or at the bar. That was a new case; no similar instance had occurred since the time of William III., and in those circumstances it was right and proper that there should be delay to allow time for consideration; but, in the present case, the House had before them the ascertained fact that a Member claiming his seat had a right to be heard at the bar; and hence there was not the same reason for delay as in the case just referred to. The notable reason advanced by the noble Lord at the head of the Government for delay was, that hon. Members might have an opportunity of reading diligently in the interval a document which it seemed they had hitherto neglected altogether. But what right had they to have neglected the perusal of that report so long? It was not many days since there was on the orders of that House a Bill for discussion which it was impossible for hon. Members to have discussed unless they had attentively studied every passage in that report. It was only on Monday last that that Bill was withdrawn by the noble Lord; and, surely, if hon. Members had previously informed themselves of the precedents of the case before them, as they must have done, unless they had grievously neglected their duty, they could not have forgotten them in so brief an interval. But the truth was, that it was found inconvenient to come to a decision on the merits of the case, and accordingly the hon. and learned Attorney General had moved that Baron de Rothschild be heard by himself, his counsel, or agents—against what? Against a single preliminary objection. Well, when they got over that, there would then come the more important objection with respect to the words "on the true faith of a Christian;" and another indefinite adjournment would be moved to enable Baron de Rothschild to be heard against that. The Ministerial dinner must not be postponed. It was perfectly notorious that the leading Members of the two hereditary factions of the country did last night come to an understanding that they would obstruct the present claim so as to occasion its postponement till another Session. He considered that the Government were guilty of a grievous neglect of duty. Here was one of the finest opportunities ever offered to repair the blunders which had disgraced the whole of the scheme of policy which had been pursued by the advocates of the Jewish claims from the beginning of the present Parliament till now, and that opportunity it was now proposed to decline. He objected to all delay. He did not care what offence was taken on either side of the House, for he felt that it was a duty to press it. Not even the right hon. and learned Member for Buteshire had stated that there was the slightest doubt that an oath which could be taken from a Jew at all, must be taken upon the Old Testament. As to searching for precedents, he would remind them of the Committee moved for by Sir Robert Peel. What need for more witnesses, when they had the evidence already? If a Jew presented himself, it was their duty to swear him. As they asked for some authority, however, he would give them one. The hon. Member for the University of Oxford had stated that from the earliest times, a relic, a cross, a book, or some other symbol of Christianity, had been a necessary appendage to the oaths taken by Members of Parliament. On this subject there was a curious authority still extant, although it was not mentioned in the report of the Committee which sat on the subject this Session. At the very time when Parliaments first began, a *Parliamentum Judaicum*, as it was called, was summoned by King Henry III. They accordingly met and voted a certain proportion of the general supplies which were voted by all the Parliaments summoned in that year, the proportion granted by the Jews being 20,000 marks. The peculiarity of that Parliament was that it consisted entirely of Jews. He would call their attention to the fact that oaths were administered to witnesses at the bar of the House of Lords in the mode most suited to the consciences of the witnesses, and he instanced the case of the female Hindoo who had the oaths administered to her in a divorce case before the House of Lords a few years ago, in the name of Bhudha, accompanied by the breaking of a saucer and the imprecation that she wished her soul might be broken in a similar manner if she did not tell the truth. He cared not what might be the consequence to himself personally, but he must say that he thought it was the bounden duty of those who advocated the claims of the Jews to insist upon the debate proceeding at the present moment. He submitted to the House whether there could be a doubt on the question, and whether it was not clear that Baron de Rothschild had a right to take the oaths. Suppose Baron de Rothschild had been called to the bar as a witness, could they administer to him any oath but that on the Old Testament, which he was now ready to take as a Member? Considering, then, the insignificance of the objection, the conduct of the Government, the lateness of the Session, and the consequence of delay, he was prepared to give his vote against the Motion for an adjournment, and every other Motion for adjournment or postponement of the proceedings necessary for a final decision of this all-important question.

Mr. NEWDEGATE said, he could answer for it that until twelve o'clock last night it was known by very few Members on the Opposition side of the House that this question would come on that day. He wished to call attention to the effect which the decision now sought would have when considered with reference to the conduct previously pursued by the House with reference to this subject. Baron de Rothschild had come there without notice, demanding that a question should be decided at once, which for two Sessions they had been debating, which had been debated in the House of Lords two Sessions, and with reference to which Her Majesty's Ministers had again introduced a Bill, and then withdrew it, after an announcement by the Prime Minister that it was only withdrawn with a view to its introduction next Session. What was it then that Baron de Rothschild and his friends now asked the House to do? They came down to the House without notice, and asked them to declare that they had been wasting the time of the House for the last two Sessions in debating a question which had already been settled by a previous Act. They asked them, in other words, to condemn their own proceedings as ridiculous, and to declare that the House of Lords had been betrayed into a course equally anomalous. He thought the attempt made to force on this discussion at the present moment was contemptuous towards the House. Did the parties making it repudiate the noble Lord at the head of the Government as the representative of the city of London? By adopting their present course, they condemned, in effect, the noble Lord for having introduced what they considered an unnecessary Bill, and for having sacrificed the claims of the constituency by withdrawing it at this period of the Session with a view to its early introduction next year. The hurry with which the present proceeding was acted upon, indicated the weakness of the cause. He confessed he had been surprised to hear a Roman Catholic Member of that House, on a question affecting its Christian character, making use of the quotation—"What need we any further witness?" That was an unlucky quotation. He was truly surprised, too, to hear the hon. and learned Member for the city of Oxford interrupt the hon. Member for the University of Oxford, when he was saying that this had always been a Christian country, and that the Legislature and the constitution also had been, and were still, Christian. He had till that day scarcely expected to see hon. Members who professed liberal opinions, and a veneration for the right of discussion in that House, attempting to preclude a free discussion of this question, by an attempt to take the House by surprise on so grave a subject; it proved that they felt an inward consciousness that when the question was raised on due notice they could not meet the arguments adduced against it. He hoped the noble Lord at the head of the Government would adhere to his determination—a determination guaranteed by his declaration that he would not proceed with the Bill he had introduced upon this subject this Session—guaranteed by his honour when he declared that he postponed that Bill for another Session; and he (Mr. Newdegate) must say, that those who called themselves the supporters of the noble Lord, and who would drive him into the adoption of a different course, neither respected their own honour nor his. The country was totally unprepared to hear that Parliament had been wasting its time for two Sessions on the Jew Bill. When the object of it had been accomplished by a previous Act as asserted by the hon. Member for Oxford, that Act was merely declaratory, and declared that every person was to take the oaths required of him in the manner most binding on his conscience. What was that manner? The House did not know what manner Baron de Rothschild would consider most binding on his conscience. They did not know what manner of taking oaths was most binding on the consciences of the Jewish people. The question simply was, whether the House would, at the bidding of a foreign baron, a rich man, the chosen of the constituency of London, stultify the whole of their past proceedings on the subject, that they might bow down before so august a personage? He could not believe that the majority of the House could be made to think such conduct consistent with the dignity of the House, and he therefore trusted the question would be postponed until it could be fairly and dispassionately argued. Then he should be prepared to meet the positions of the hon. and learned Member for the city of Oxford, and to show that if Mr. Alderman Salomons had not taken all the oaths required by law, every act of his as an alderman and in his office of sheriff, was invalid: he hoped therefore this illegal precedent would not be allowed to influence the House.

Mr. B. OSBORNE said, he should not have presumed to offer himself to their notice so early in the debate had he not been one of those Members who rejoiced in representing a large constituency. Baron de Rothschild had been called an "individual," but he would call him one of the Members for the city of London; and when they were told of the undue hurry of the present proceeding, and when they were called upon in judicial accents proceeding from the Treasury benches to proceed with deliberation, he would put it to the House and the country whether this question, which had now been debated for three Sessions, and which had been affirmed by large majorities of that House—whether they were going to fight a sham battle, and postpone the great question of civil and religious liberty, because it might not be convenient to the Government, and might not be agreeable to their friends on the protectionist benches opposite to debate it? He, for one, would be a party to no such proceeding. They had debated this question in three successive Sessions, and, if there was any inconvenience now, the noble Lord at the head of the Government was to blame. That noble Lord had had the conduct of the question; and he (Mr. Osborne) must say that the conduct of the noble Lord with regard to this Bill did not do him that honour which other acts of his life had conferred. The noble Lord had postponed the question of religious liberty, because the Jews were a small body: he would not have done so had they been sufficiently numerous to alarm the safety of his Cabinet, or to endanger his seat. He would not have been content to let the Bill pass on the fag end of the Session, and then to propose an adjournment of the question. This was not a question with him (Mr. Osborne) of either precedent or black letter; neither was it one upon which any *nisi prius* arguments—considered out of place in the debate on foreign policy—need be used. It simply came to this—that the citizens of London were not prepared to sit contented while the House was adjourning from day to day on a question on which they had every information, and which they had already affirmed. What had been said by the hon. and learned Member for Youghal was perfectly true, however it might be denied, that hon. Members were acquainted last night with the fact that the Baron would that day present himself at the table for admission. The way the question had been treated was unworthy the hon. Member for the University of Oxford, who went out of his way to apply an expression to the Baron which had once been applied by Curran to a fishwoman—namely, that "she was an individual." It was part of the system all along pursued, to throw odium on Baron de Rothschild; and when the Baron came to the table that day, to take his oath, an understanding had been previously come to between the Government and hon. Members opposite, that the question should be postponed to next week. [Mr. J. S. Wortley: Nothing of the kind.] He did not allude to the right hon. and learned Member for Buteshire. He wished, however, to know whether the hon. and learned Member for Midhurst had not been communicated with, and whether some arrangement had not been made with him?

Mr. WALPOLE: I assure you I made no arrangement.

Mr. B. OSBORNE would ask whether the hon. and learned Member for Midhurst meant to state that he had made no arrangement with the hon. Member for the University of Oxford, to delay this question until Monday next? Did he mean to say that he had entered into no communication or arrangement of that kind? [*A pause.*] Then he (Mr. Osborne) contended that he was warranted in asserting that there had been an arrangement; and he hoped the House would not affirm an arrangement so entered into. But it had been said in the course of the debate, that this was no party question. He affirmed that it was a party question. It was the greatest party question of the age. It was the question of prejudice against progress—the question of intolerance and bigotry against civil and religious liberty; and he hoped that if there was any liberal party in the House—if there was any liberal feeling—if they were not to be a drag on the wheels of an equivocating Government for ever, they would speak out boldly and affirm the principle which they had already affirmed in two preceding Parliaments. He would now address himself to the arguments on the question. It had been endeavoured to be said by those who were clever in ransacking *Hansard*, that the same course was pursued by the House in Mr. O'Connell's case. There was, however, a material difference. Mr. O'Connell refused to take the oath of supremacy, and he applied to Lord Duncannon to be heard by counsel at the bar. Baron de Rothschild did not refuse to take the oath, and he did not apply to be heard by counsel at the bar. This question, therefore, rested not on precedent, but on legislative enactment; and, if the Judges of the Court of Queen's Bench were authorised to administer oaths to Jews, he called upon the Speaker to answer the question whether he did not consider himself empowered to administer the oath to Baron de Rothschild in the same manner as the Judges administered it to Jewish witnesses? That was a material question to be answered. It was a question, not of precedent, but of legislative enactment. But, independent of the Speaker's answer, whatever it might be— [*A laugh.*] Yes, whatever it might be, because there was a power out of that House independent of their smiling faces or their prejudices—he called upon those Members who possessed consistency to come forward upon this question, to oppose the Government, and, if necessary or need be, on such a question to throw out that Government, and to stand by the resolution already more than once affirmed, that Baron de Rothschild had a right to take his seat in that House.

MR. SPEAKER: The hon. and gallant Member for Middlesex has put a question to me which I have no difficulty in answering. The question now at issue does not depend upon any opinion of mine. It is a question for the decision of the House itself. An hon. Member has appeared at the table and claimed to be sworn on the Old Testament. Now, that is a perfectly novel mode of taking the oath; and it would not be right for me to permit any Member to be sworn in that way unless I had the authority of the House for so doing, because I act only under their authority.

MR. GOULBURN did not mean to say a word about the propriety or impropriety of allowing the hon. Member for London to be sworn in the form in which he had claimed to have the oaths administered. He would address himself simply to the point, whether it was fitting that the House should have time to deliberate before coming to a decision? The hon. and gallant Member who had just sat down, following the example of the hon. and learned Member for Youghal, had stated that there was no analogy between the case of Mr. O'Connell and the present case. It had been stated that the hon. Member for London was willing to take two of the oaths if he was allowed to be sworn on the Old Testament. Now his (Mr. Goulburn's) opinion was, that the oaths ought to be tendered all together. With respect to Mr. O'Connell, so far from his having refused to take the oaths that were tendered to him, he stated that he was ready to take the oaths of allegiance and abjuration, but not the oath of supremacy. It had been stated by the hon. and learned Member for Youghal that the only ground upon which the late Sir Robert Peel had asked for delay, was that time might be given to consider whether Mr. O'Connell should be heard at the table or at the bar of the House. The hon. and learned Gentleman had not read correctly what had passed on that occasion. [The right hon. Gentleman here read extracts from the speeches of Sir Robert Peel on that occasion to show that his reason for asking delay was to consider, not whether he should be heard at the table merely, but whether he should be heard at all.] He had no doubt that the House would consent, as in the case of Mr. O'Connell, to adjourn the discussion of this question, in order to enable those Members who had not until that morning heard that the subject was to be introduced to prepare themselves for its consideration.

MR. AGLIONBY said, the question in the first instance before the House was the oath of allegiance, passing by for the time the two other oaths required to be taken by Members. As one of the constituency of London who had yesterday advised the course here adopted by Baron de Rothschild, he begged to express his opinion that the most convenient proceeding now would be to assent, without a division, to the Amendment of the right hon. and learned Member for Buteshire. As to the Amendment of the hon. and learned the Attorney General, he should, when it came on, enter his protest against it, considering that no one, except at the desire of Baron de Rothschild himself, or of his constituents, had any right whatever to claim that the Baron should be heard by counsel. Whether such an application should be made at any future point of the proceedings, was a matter to be determined by the Baron and those who acted with him. He was not himself personally acquainted with Baron de Rothschild, but he was prepared to repudiate, on the part of the Baron and of his friends, any such trick as taking the House by surprise. The imputation, in fact, was simply an absurdity. The Baron and his constituents had waited patiently, year after year, for justice; but after the statement of the noble Lord last Monday, no other course was left to them than the course now adopted. The Baron and his constituents felt that they had got the law and that they had the constitution on their side, and they trusted that they should also have the House of Commons.

Sir F. THESIGER said, that before the House determined upon adjourning the debate, it was extremely desirable that it should come to some clear understanding of the nature of the discussion that was to be taken when the debate should be resumed. He gathered from the hon. and learned Member for Cockermouth that the friends of Baron de Rothschild proposed first to discuss what might be considered the preliminary question of the refusal of the Baron to be sworn on the Gospels, taking other matters subsequently; whereas it appeared to him that all the considerations involved in this very important question should be taken together. Baron de Rothschild had come to the table of the House and desired to be sworn on the Old Testament. No question was put to him why he desired to be sworn on the Old Testament rather than on the New. Everybody perfectly well knew the Baron to be of the Jewish persuasion; but the question was not put to him that ought to have been put —" Why do you require to be sworn on the Old Testament and not on the New ?" No doubt the Baron would have replied, " Because I am of the Jewish persuasion, and that form of oath is the only form which I deem binding on my conscience." That answer being given, the case would have stood thus : every one knew that no Gentleman could sit and vote in that House unless he had taken the three oaths of allegiance, supremacy, and abjuration; and, inasmuch as the oath of abjuration contained the words " on the true faith of a Christian," when the answer he had stated had been given at the table by Baron de Rothschild, the House would at once have known that he could not take the abjuration oath, and that, consequently, he could not take his seat in that House. It appeared to him, he would repeat, most important that the question should be taken as a whole, and not in a mutilated and partial shape. It was the object, equally with all parties, he would assume, to have the matter placed fairly on a distinct footing; whereas, if the discussion was to be taken first upon the oath of allegiance, and then upon the oath of supremacy, and then upon the oath of abjuration, an advantage would be gained by the friends of Baron de Rothschild, in an indirect manner, which he was sure they did not seek, an advantage answering no practical or permanent purpose, in this way—that the Baron having been permitted to take the oath of allegiance and the oath of supremacy upon the Old Testament, it might be said by the Baron's friends, " You have permitted him to take two of the oaths upon the Old Testament, how can you reasonably deny him permission to take the oath of abjuration, omitting for him that portion of the oath which prevents a Jew from taking it ?

Mr. HUME said, the supporters of Baron de Rothschild had every desire to discuss the proposition of the hon. Baronet the Member for the University of Oxford, and for that purpose were ready to assent to the Motion for adjourning the debate; but they decidedly objected to the Motion of the hon. and learned Attorney General, which called upon Baron de Rothschild to appear by counsel in support of a case which he and his friends believed to be already perfectly clear. If the hon. and learned Attorney General would withdraw his Amendment, the debate might be adjourned without any opposition on the part of Baron de Rothschild's supporters. He did not understand why the House had not in this case followed the precedent of Archdall's case. When Mr. Archdall, elected for Chipping Wycombe, refused to be sworn upon conscientious grounds, he was asked successively—" Will you take the first oath, and the second, and the third?" and when he refused he was asked, "Why will you not take it?" The same question ought in fairness to have been put to Baron de Rothschild. This subject ought to have been brought forward in the very first week of the Session, and not only brought forward but carried to a conclusion; instead of which the Bill that had been introduced by the noble Lord at the head of the Government, had been made use of merely as a medium for evading the question. Whenever the noble Lord had been reminded of the measure, he had always said, "Oh, I'll go on with it;" and so the matter stood till Monday last, when the noble Lord said, "It's too late to go on with it this Session; we'll reintroduce the matter next Session." When the noble Lord really wanted to push a measure, he knew very well how to proceed, as in the case of the Mercantile Marine Bill, which, in the teeth of the whole shipping interest of London and other ports, he had forced on by making the House sit upon it six almost consecutive mornings.

Lord J. RUSSELL said, that the Attorney General did not propose to make Baron de Rothschild employ counsel if he did not so desire. All that his hon. and learned Friend propounded was that it would be fair to enable Baron de Rothschild, if he so pleased, to declare, either by himself or by his counsel or agent, what were the views and reasons which induced him to demand to be sworn on the Old Testament. He could not see how any hardship could be inflicted upon Baron de Rothschild by this proposition. If it should appear on Monday that Baron de Rothschild declined to avail himself of the facility thus suggested, the Attorney General would withdraw his Motion, and the House could then proceed to discuss the general question.

Mr. HUME asked why Baron de Rothschild, who was in the House, should not at once have the question put to him at the bar?

Mr. WALPOLE thought that, as in the case of Mr Archdall, Baron de Rothschild might be asked successively, whether he would take the three oaths; and if he refused to take any, why he refused?

Mr. W. P. WOOD said, he had just placed himself in communication with Baron de Rothschild, and the Baron had authorised him to state to the House that in reference to his demand to be sworn upon the Old Testament, he had no wish to be heard by counsel.

Mr. J. STUART denied that upon such a question as this any person was entitled to be heard by counsel at their bar. It was a question to be decided wholly according to the law and custom of Parliament. Suppose any person elected to that House refused to take the oath of allegiance, and demanded to be heard by counsel in support of his refusal; would the House hear counsel in such a matter? Why then in this?

The ATTORNEY GENERAL said, that as Baron de Rothschild did not desire to be heard by counsel, he was quite willing to withdraw his Amendment; but the Motion he sought to amend being before the House, he could not by the forms of the House withdraw the Amendment. If the debate was adjourned, he should be ready on Monday to withdrawn the Amendment.

Sir J. GRAHAM thought the ground now so cleared that they were likely, for that day at least, to arrive at a satisfactory result. He had not, in common with many other Members, anticipated that this matter would come on at the morning sitting; but he understood that previous to his arrival at the House Baron de Rothschild had put in a preliminary objection to being sworn upon the Evangelists. Upon this preliminary objection the House must decide for itself; and Baron de Rothschild was entitled to have the decision of the House upon it. It appeared that Baron de Rothschild did not desire to be heard by counsel upon this preliminary point, and the hon. and learned Attorney General, accordingly, was ready to withdraw the Amendment which had reference to it. As the matter stood, he should strongly advise the friends of Baron de Rothschild not to resist the adjournment of the debate. It would be of immense advantage to be able to discuss this very grave judicial question calmly, deliberately, exempt from haste, excitement, or passion. It was urged on the one hand that the law and the custom of Parliament were altogether against this claim; on the other hand, it was contended that by custom—a custom recognised, perhaps, by statute—other high tribunals sanctioned the claim. It was most desirable that the House should have until Monday ["No, no!"]—well, or until some other day next week, to weigh maturely all the bearings of this most important question.

The ATTORNEY GENERAL said,

he would withdraw his Amendment if, in order to enable him to do so, the right hon. and learned Gentleman would withdraw the Motion upon which it rested, leaving a Motion for adjournment to be subsequently renewed.

Motion, by leave, withdrawn.

Amendment, by leave, withdrawn.

Main Question again proposed.

MR. B. OSBORNE gave notice that, on the debate being resumed, he should move an Amendment on the Motion of the hon. Baronet the Member for the University of Oxford, that the Baron de Rothschild having presented himself at the table of the House, and requested that the oaths be administered to him on the Old Testament, which he believed binding on his conscience, the clerk be directed to administer to him the oaths of allegiance and supremacy accordingly.

MR. HUME moved that the debate be resumed on Monday at noon.

Motion made, and Question proposed, "That the debate be adjourned till Monday, at Twelve of the clock."

MR. J. S. WORTLEY suggested that Monday would be too early a day. He thought Thursday would be a more convenient day, the disscussion to be then taken upon the whole question.

MR. NEWDEGATE appealed to the First Lord of the Treasury whether, after the distinct intimation he had given that this subject would not be resumed until next Session, upon the faith of which intimation many Members had quitted town, and even gone abroad, it would be fair in the Government to permit the discussion to be renewed so early as Monday ?

MR. AGLIONBY was quite ready to proceed on Monday, but it was immaterial to him whether the House named Monday, Tuesday, Wednesday, or Thursday. The House might rest assured that the friends of this claim would not allow Parliament to separate till the question was settled.

MR. ANSTEY said, that as hon. Gentlemen declined the concession of an adjournment until Twelve o'clock on Monday, he should move, as an Amendment, that the debate be adjourned to Five o'clock on this day.

Amendment proposed, to leave out the words "Monday next, at Twelve of the clock," in order to add the words "this day, at Five of the clock," instead thereof.

Question proposed, "That the words 'Monday next, at Twelve of the clock' stand part of the Question."

The Question having been put,

MR. SPOONER said, he hoped the noble Lord at the head of the Government would not assent to either of the propositions before the House. He (Mr. Spooner) knew that several Scotch Members had at great personal inconvenience waited in town until the noble Lord declared the other night that he would not press the Oath of Abjuration Bill, and they had now gone to Scotland. He was satisfied that, as the question had been brought before the House in this manner, many of those hon. Members would return to London if they could do so; but it was utterly impossible for them to be in their places on Monday. He put it to the noble Lord, therefore, whether he would consent to exclude those Scotch Members from taking part in the consideration of this important question.

LORD J. RUSSELL said, he had stated in the earlier part of the debate that as Members were not aware until late last night that Baron de Rothschild would come to the table and claim his seat that day, he considered it would be inexpedient for the House to come to any decision on the subject to-day, and that he was in favour of the adjournment proposed by the hon. and learned Gentleman opposite. But the House having agreed generally that there should be such adjournment, he thought it ought to be to the earliest possible time. The hon. Member for the city of London (Baron de Rothschild) wished a decision to be taken upon his case, and, as he had declared that he did not wish counsel to be heard with respect to the preliminary question, he (Lord J. Russell) thought the House should meet in order to decide at least that preliminary question at the earliest convenient period. He hoped, therefore, that the House would agree to meet on Monday next to discuss the subject. He thought the proposition of the hon. and gallant Member for Middlesex would be attended with some inconvenience, because, as he understood the terms of the Amendment read by that hon. and gallant Gentleman, it seemed to imply that a Member of that House might take two of the oaths, and that the third, the oath and declaration of abjuration, might be omitted. He (Lord J. Russell) certainly thought it would be very difficult for the House to come to a decision implying that any of the oaths and declarations fixed by law to be taken by Members should be entirely omitted. He would give his support to the Motion for adjourning the debate to Monday at twelve o'clock.

MR. B. OSBORNE said, he saw the force of the noble Lord's suggestion, and he would consider the terms of the Amendment before he placed it on the books.

MR. SCOTT hoped the hon. Member for North Warwickshire would persist in opposing the Motion. The grounds upon which he (Mr. Scott) wished the discussion to be postponed to a later day were precisely those which had been alluded to by the noble Lord at the head of the Government. He considered that sufficient intimation had not been given of the intention of Baron de Rothschild to claim his seat, and that many Members of the House had not, therefore, the opportunity of being present to record their votes. He (Mr. Scott) considered that the debate should be adjourned till Thursday or Friday next. He thought, that as under the present Post Office arrangements no letters could be delivered on Sunday, such an adjournment was not unreasonable. He begged to move that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."

MR. REYNOLDS said, that he had been sitting during the last three hours listening with Job-like patience to speeches which were meant to show either that the House ought then to adjourn, or, that if they did adjourn, it should be until Monday. His hon. and learned Friend the Member for Cockermouth stated it was to him a matter of little consequence whether they adjourned to Monday, Tuesday, or Wednesday; and one hon. and learned Gentleman opposite proposed an adjournment to Friday. He trusted that the House would do no such thing. He objected to any adjournment, because the House had often considered this question before, and therefore required no adjournment respecting it. [*Loud cries of* "Adjourn, adjourn!"] He begged to assure hon. Gentlemen on the opposite side, who were interrupting him, and who would not find it very convenient for them to interrupt him elsewhere— ["Hear, hear!" *and* "Order!"] He begged to assure the hon. Member for Reading, that he could well understand this interruption. He would, too, assure the hon. and gallant Member for the Irish metropolitan county, that he understood also his interruption; but he would tell him, at the same time, that he was very much mistaken if he supposed that his unmannerly interruption would succeed. Having said so much, he would now beg to assure hon. Gentlemen that he had but a very few words to address to the House. He would wait there until the latest hour at which the House might sit, or obtain a hearing. He begged also to state that if he had been permitted to make the few observations he intended to address to the House, he should have finished by that time. It was said that the "shortest way to cross a hill was to go round it," and so the longest course for persons to take with him was to interrupt him, when he thought he ought not to be interrupted. All then that he had now to say with respect to the question they were then discussing was this—that it had been before them for three years; that the House had divided upon it eight times, and now he had to state with what results. Upon the first occasion 214 Members had voted in favour of the claim, 140 on the second occasion, 278 on the third, 241 on the fourth, 225 on the fifth, 164 on the sixth, 103 on the seventh, and 272 on the eighth division. These had voted in favour of the principle of civil and religious liberty. He was not surprised that he had been interrupted in his observations by Members on the other side of the House; but he was surprised at the interruptions he experienced from Members who were on the same side of the House with himself—with those who were "in the same boat" with him; for they had, like him, voted for the support of the principles of civil and religious liberty; but though those Members were "in the same boat," yet he had been told that "they did not row with the same skulls" that he did, and he believed it. He was opposed to any adjournment, and he could not but express his delight that all hypocrisy on this question was now to be got rid of. Baron de Rothschild had been advised to take a manly course in coming there. This question involved more than the rights of Baron de Rothschild. They were now to understand whether that House would for the future sacrifice its rights and its privileges before the footstool of the House of Lords. [*Cries of* "Order!"] He believed, that in Parliamentary phraseology the House of Lords ought to be designated as "elsewhere," or "another place;" but whether it was "elsewhere," or "another place," he hoped they would not make any sacrifice of principle in that House. An hon. Gentleman over the way had suggested that the debate should be adjourned until Tuesday;

but the noble Lord had already fixed Tuesday for taking into consideration the Irish Franchise Bill; and perhaps that consideration induced the hon. Member to suggest Tuesday, because it would enable that hon. Member to aid in carrying out that which had been done elsewhere, where the attempt was made to deprive the people of Ireland of having the choice of their representatives. He concluded by begging to remind the House that this was a question of privilege, and must take precedence of all others.

Mr. SCOTT said, he would withdraw his Amendment, but he wished to state his reasons.

Mr. ANSTEY rose to order.

Mr. SCOTT: Hon. Gentlemen over the way have begged an opportunity. I have not had an opportunity of concluding the remarks I was about to make.

Mr. SPEAKER: Is it the pleasure of the House that this Motion for adjournment be withdrawn? The hon. Member for Berwickshire may explain, but he is not entitled to speak again on this Motion, as he has already spoken. Is it the hon. Gentleman's wish to withdraw the Motion for the adjournment of the House?

Mr. SCOTT: It is.

Motion, by leave, withdrawn.

Mr. B. OSBORNE: The hon. and learned Member for Youghal wishes to withdraw his Amendment, on the understanding that the debate be adjourned till Monday at Twelve o'clock.

Sir G. GREY suggested that the best mode of settling the intricacy of the question would be to divide.

Sir C. BURRELL moved that the debate be adjourned to Tuesday instead of Monday.

Mr. SPEAKER said, the House must first decide whether the words "Monday next" stand part of the question. If the House decide not, then the next question will be that the debate be adjourned to this day at Five o'clock, and then it will be competent for the hon. Gentleman the Member for Shoreham to move Tuesday next.

Question put, "That the words 'Monday next, at Twelve of the clock,' stand part of the Question."

The House divided:—Ayes 191; Noes 62: Majority 129.

List of the Ayes.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anson, hon. Col.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bass, M. T.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Birch, Sir T. B.
Blakemore, R.
Blewitt, R. J.
Boldero, H. G.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Bright, J.
Brisco, M.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Cabbell, B. B.
Cardwell, E.
Carter, J. B.
Childers, J. W.
Clay, J.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cocks, T. S.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Deedes, W.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Ellice, rt. hon. E.
Ellis, J.
Elliot, hon. J. E.
Estcourt, J. B. B.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Fox, R. M.
Fox, S. W. L.
Fox, W. J.
Freestun, Col.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hatchell, J.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, A.
Howard, Lord E.
Humphery, Ald.
Inglis, Sir R. H.
Jermyn, Earl
Keating, R.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Legh, G. C.
Lennox, Lord H. G.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Lushington, C.
Mackinnon, W. A.
M'Cullagh, W. T.
Meagher, T.
Mahon, The O'Gorman
Mangles, R. D.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Monsell, W.
Moore, G. H.
Morris, D.
Mostyn, hon. E. M. L.
Newry & Morne, Visct.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir L.
O'Connell, M.
O'Connell, M. J.
Ogle, S. C. H.
Osborne, R.
Paget, Lord A.
Paget, Lord G.
Parker, J.
Patten, J. W.
Pearson, C.
Pechell, Sir G. B.
Peel, Col.
Pelham, hon. D. A.
Pilkington, J.
Pinney, W.
Price, Sir R.
Pugh, D.
Pusey, P.
Rawdon, Col.
Reynolds, J.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.

Russell, Lord J.
Sandars, G.
Scholefield, W.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Sidney, Mr. Ald.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. A.
Smyth, J. G.
Somerville, rt.hn.SirW.
Sotheron, T. H. S.
Spearman, H. J.
Stafford, A.
Stuart, Lord D.
Stuart, Lord J.
Stuart, J.
Tenison, E. K.
Tennent, R. J.
Thesiger, Sir F.
Thompson, Col.
Thornely, T.
Townshend, Capt.
Trevor, hon. G. R.
Villiers, hon. C.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Walpole, S. H.
Wawn, J. T.
Wegg-Prosser, F. R.
Willcox, B. M.
Williams, J.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Wood, W. P.
Hume, J.

List of the Noes.

Anstey, T. C.
Arbuthnott, hon. H.
Arkwright, G.
Baillie, H. J.
Baldock, E. H.
Baldwin, C. B.
Blackstone, W. S.
Blair, S.
Booth, Sir R. G.
Bremridge, R.
Brooke, Sir A. B.
Buck, L. W.
Burghley, Lord
Chatterton, Col.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Dickson, S.
Dodd, G.
Duncuft, J.
Edwards, H.
Egerton, W. T.
Forester, hon. G. C. W.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Gordon, Adm.
Granby, Marq. of.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.
Heald, J.
Henley, J. W.
Herries, rt. hon. J. C.
Hornby, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knox, Col.
Lacy, H. C.
Leslie, C. P.
Lewisham, Visct.
Meux, Sir H.
Morgan, O.
Mullings, J. R.
Naas, Lord
Newdegate, C. N.
Plowden, W. H. C.
Portal, M.
Prime, R.
Reid, Col.
Scott, hon. F.
Seaham, Visct.
Sibthorp, Col.
Stanford, J. F.
Stanley, hon. E. H.
Taylor, T. E.
Thornhill, G.
Verner, Sir W.
Vivian, J. E.

TELLERS.

Spooner, R.
Burrell, Sir C.

Main Question put, "That the debate be adjourned till Monday next, at Twelve of the clock."

The House divided:—Ayes 168; Noes 67: Majority 101.

Debate adjourned till Monday next, at Twelve of the clock.

EXHIBITION IN 1851—HYDE PARK.

Sir F. THESIGER presented a petition from several persons residing near Hyde Park, complaining of the proposed erection of an edifice for the projected exhibition in that park. They stated that they had prepared an information to be filed in Chancery, in order to prevent the building from being proceeded with; that the information set forth that the Sovereign on Her accession surrendered the hereditary revenues and possessions of the Crown in consideration of the civil list; that Hyde Park is part of those possessions, and was by Act of Parliament placed under the management of the Commissioners of Woods and Forests as trustees for the public; that the commissioners had no power to make any alterations except such as the Act of Parliament authorised, and had no authority to allow "waste" to be committed, or to grant a lease of any portion of the Royal parks; that it was the intention of the Exhibition Commissioners to erect a large edifice in the park, for which purpose they had obtained the grant of a lease, licence, or agreement (which amounted in substance to the same thing), for about twenty acres of the most ornamental portion of the park, on which it was their intention to erect a building of considerable size; that, to make room for it, the commissioners had cut down ten trees of forty years' growth, and would have to cut down others; that, in the proposed building, a steam engine of great size was to be erected, with a variety of offices of a substantial character; that though it was said that the building would be removed seven months after the close of the exhibition (in November, 1851), yet an irremediable injury would be inflicted on the park, and for two years the petitioners would be prevented from enjoying it; that, having been advised that the conduct of the commissioners was illegal, the petitioners had prepared an information as already alluded to, to be filed (nominally) at the suit of the Attorney General, and that, having the signatures of two counsel testifying that it was a proper information to receive his sanction for filing, it had been presented to the late Attorney General for that purpose, who, after keeping it a few days, had returned it, stating that he could not take any fresh papers as Attorney General, and that it had been presented to the present Attorney General, who had declined to sign it; that thereupon a memorial had been presented to him, requesting him to reconsider his resolution, which, however, he had refused to do; and the petitioners, being advised and persuaded that the conduct of the commissioners was illegal, prayed the House to take such steps as were requisite to prevent justice from being defeated or denied.

MESSAGE FROM THE CROWN—THE PRINCE OF WALES.

Message from Her Majesty, brought up, and read by Mr. Speaker (all the Members being uncovered) as follows:—

"VICTORIA R.

"Her Majesty being desirous that the House, called Marlborough House, should be secured to His Royal Highness Albert Edward, Prince of Wales, after he shall have attained the age of eighteen years, during the joint lives of Her Majesty and his said Royal Highness, recommends it to Her faithful Commons to enable Her Majesty to grant and settle the same, in such manner, and with such provisions, as may most effectually accomplish the said purpose. "V. R."

Committee thereupon on Monday next.

PARLIAMENTARY VOTERS (IRELAND) BILL.

LORD J. RUSSELL: I stated that I would give notice to-day of what would be the substance and terms of the Amendments I should propose respecting the Franchise Bill for Ireland. The Lords made two Amendments especially, of very great importance. One of them requires that persons claiming to vote for a county should be rated at 15*l.* annually instead of 8*l.* as proposed by the Commons; and the other requires that a person entitled to register should himself give notice of his wish to be so registered. Without going into details, I may state that I shall propose that instead of 15*l.*, 12*l.* be substituted as the rating qualification; and with respect to the second, I intend to propose that this House should disagree to the Lords' Amendment.

CEYLON COMMISSION.

The Order of the Day having been moved for going into Committee of Supply,

MR. BAILLIE said, he wished to take the earliest opportunity of stating the course he intended to pursue with respect to the report made by the Ceylon Committee, and the more so, both as the subject itself was one of great importance, and as the report was perhaps the most singular, inconsistent, and extraordinary document which had ever emanated from a Committee of that House. He must in the first place remind the House of the object for which that Committee was appointed, namely, to inquire into the conduct of Her Majesty's Government with respect to the proceedings which had taken place in Ceylon, and to report their opinion thereupon to the House. The Committee had sat for nearly two years; a vast amount of public money was expended in bringing over witnesses from Ceylon, a vast amount of very important evidence had been collected, and the Committee had come to the extraordinary resolution of not reporting either their opinion to the House, or the evidence which had been taken before them. The only resolution to which they had come was, that the evidence they had taken should be recommended to the serious attention of Her Majesty's Government—that was to say, that the Committee which was appointed to inquire into the conduct of the Government, recommended to that very Government the serious consideration of the evidence taken before them. Now, he need not say that he utterly repudiated having anything whatever to do with that report, which he believed to be discreditable to the Committee, and not very respectful to that House. The first report stated—

> "Your Committee deeply regret that that House did not see fit to acquiesce in the recommendation submitted to them at the close of the last Session, that an humble Address be presented to Her Majesty, praying that She would be graciously pleased to appoint a Commission to inquire on the spot into the circumstances connected with the suppression of the late insurrection in Ceylon."

That first resolution, he humbly submitted, contained an implied censure on the decision of a majority of that House; the House decided by a majority last year that there should be no Commission, and therefore, the Committee, he must say, made a reflection on the decision of the House. Again, the Committee declared they found themselves unable to make a complete report on some of the various matters into which they were directed to inquire. Now, this implied that there were some matters on which they were in a position to report; and if so, was it not the duty of the Committee to obey the instructions they had received from that House? The Committee went on to say they were of opinion that the serious attention of Her Majesty's Government should be called to the evidence taken in the course of this inquiry. Then, why should not the serious attention of the House be called to that evidence?

That was, of course, with the view of the Government agreeing on some measure, or coming to some conclusion; but the Committee stated that they were unable to come to any conclusion whatever. They then recommended that a Royal Commission should be appointed to proceed to Ceylon—precisely what the House determined should not be done last year—to ascertain what changes might be necessary for the better government of the country, unless some step should be forthwith taken by the Government which might obviate the necessity of further intervention. Now, was it possible for the House to discover the sense of this expression, or what the Committee could possibly mean when they said that "some step should be taken?" Their meaning might possibly be understood by Her Majesty's Government, of which there was a Member on the Committee. The authors of that resolution stated that their intention was, that the Governor of Ceylon should be recalled, and as such it was accepted by the Under Secretary of the Colonies; but if that was the intention, surely it was the duty of the Committee to have stated it in plain terms, and not to have insinuated it in the manner they had done. He had thus stated to the House the objections he entertained against the resolutions of the Committee, and the House must be aware that at this very late period of the Session it was quite impossible for a private Member to obtain a day to bring a subject of this nature under consideration. In these circumstances, all he wished at present to do was to give notice that at the earliest possible period of the next Session he should move that the evidence taken before the Committee be laid on the table, and should call the attention of the House to it.

WELSH BISHOPRICS.

Mr. J. WILLIAMS said: It being well known that the separation of the great body of the people from the Church in Wales is caused by the want of sympathy on the part of their English ecclesiastical rulers with the feelings, habits, and language of the people; and that the solemn ceremonies of consecrating churches and confirming children are still performed in language not understood by the people, I beg to ask the First Lord of the Treasury whether he will assure the House that no clergyman shall in future be appointed to any see in the principality of Wales who is not well acquainted with, and able to speak, read, write, and preach in the Welsh language?

Dr. NICHOLL begged to ask the noble Lord, before he replied to the hon. Gentleman's question, whether, considering that the 1st and 2d of Victoria, cap. 106, sec. 103, gave ample powers to the bishop to provide that clergymen, in all necessary cases, should be acquainted with the Welsh language — considering that there was a power, on the part of the Welsh laity, to enter a caveat against the appointment of any clergyman who did not understand the Welsh language—and considering that it was desirable to extend the knowledge of the English language, which was spreading rapidly in Wales—he did not think the state of the law at present fully provided for the state of Wales?

Lord J. RUSSELL, in answer to the question of the hon. Member for Macclesfield, had to state that some years ago it was a question in the House whether or not they should proceed to enact, that no one should be appointed to a see in Wales who was not well acquainted with the Welsh language. That proposal did not meet with the approbation of the House, and was rejected, it having been thought desirable to leave the Crown full discretion with respect to the appointments to sees in Wales, and not to fetter its discretion so much that if there was any person not so well qualified as another, but speaking the Welsh language, he should be appointed to a see, to the exclusion of him who was better qualified. Considering also that in the exercise of the discretion which devolved on him as Minister of the Crown, he had advised the Crown on a recent occasion to nominate a clergyman well acquainted with the Welsh language, who was besides a person of great learning and of unexceptionable qualifications, he thought he would not do right to fetter himself by a pledge which was never demanded before on behalf of the Crown. With respect to the second question, by the right hon. Member for Cardiff, in which he had called attention to an Act of Parliament referring to the appointment of clergymen to Welsh livings, and not to the appointment of bishops, he could only say, without looking to the Act in question, that the existing state of the law, as he considered, made sufficient provision as to the knowledge of the language to be possessed by clergymen in Wales. He would, however, look to the Act, and consider the matter again. His present impression was that legislation was not required; but if he found that was not the case, he would not hesitate to propose a measure to Parliament on the subject.

Subject at an end.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Mr. DISRAELI said, that when the noble Lord at the head of the Government had stated the alterations he proposed to make in the Lords' Amendments, there was no question before the House, and therefore it was not possible for him (Mr. Disraeli) to give an intimation, which he was now desirous of conveying, to the Government. He regretted that a more conciliatory spirit had not been shown by Her Majesty's Government, and that there was not, in consequence, any prospect of the Bill passing into a law during the present Session. But he thought it right to state that his Friends on that side of the House would feel it their duty to oppose the alterations which the noble Lord had declared would be made in the Irish Franchise Bill as it had been returned to them from the other House.

Lord J. RUSSELL: Perhaps the House will allow me to make a few remarks on what has just fallen from the hon. Gentleman. The proposal I shall have to make with respect to the Irish Franchise Bill is certainly liable to observation and to censure, on the ground that it is too great a departure from the original principle of the Bill; and when I say that for the sake of obtaining the assent of Parliament to the Bill, I consent to an alteration of the franchise from 8*l.* to 12*l.*, and only ask the House of Lords to go from 15*l.* to 12*l.*, the want of a conciliatory spirit is, I must say, the last charge the hon. Gentleman could fairly make against us.

CEYLON COMMITTEE.

Mr. HUME begged to call attention to the report of the Ceylon Committee. He wanted to know by what authority the Committee had referred the evidence to the Government. For his part, he was not disposed to leave anything connected with the subject to the Government, for they were in fact implicated in the charge, for they had acted in violation of all the principles which ought to have governed their conduct in the matter. He spoke in so far as they had approved of the acts of the Colonial Secretary. The Committee recommended last year that a commission should proceed to Ceylon; but the noble Lord at the head of the Government, to stifle truth, proposed that the inquiry should be resumed by the Committee this Session, and that the witnesses whose evidence might be necessary to elucidate the truth, should be ordered home here. But when the chairman of that Committee pointed out the names of the parties from whom evidence was required, the Committee were informed that the noble Lord the Colonial Secretary would not consent to their being summoned. He mentioned this to show the nature of the obstructions which the Government had thrown in the way of the inquiry. The Committee had now determined not to make any report to the House, and the inhabitants of Ceylon were to remain unprotected, and their grievances unredressed. He wished to know from the Government whether the consequence of that decision on the part of the Committee would be to put off the question altogether until next Session, or whether any steps would be taken in the meantime? There was no reason whatever why martial law should have been proclaimed; and as martial law could only be justified for the purpose of protecting the lives and properties of the Queen's subjects, and as no such reason existed in Ceylon, he contended that the whole proceeding, under which these military executions—which he could only designate as murders—had taken place, were illegal. And to add to the severity of the act, that protection, which even the forms of military law secured to those who became amenable to it, was withheld from those who had been made the victims in this case, by the court having departed from the ordinary mode of conducting their proceedings. The courts, it appeared, were appointed by Colonel Drought, under the orders, as it was said, of Lord Torrington himself, and the proceedings were carried on without reference to form or precedent; and as a proof of the irregularity which had marked the whole business connected with these courts-martial, he might state that the Committee, after two years' inquiry, had been unable to ascertain by what means Lord Torrington sent the proclamation to Colonel Drought, authorising martial law to be established. The Commander-in-Chief had been sent for by the Committee, in order that some evidence might be obtained on this point—

Mr. SPEAKER must remind the hon.

Member that it was out of order to allude to evidence which had not yet been laid before the House.

MR. HUME said, that he was alluding to nothing but what had already been laid on the table in the last year's correspondence. He had the information last year, and was then prepared to produce it, and he knew of no order that prevented him from quoting evidence which he obtained from sources independent of the Committee. He contended that the result of such evidence was, that if a court-martial sat upon Lord Torrington's conduct in any part of the world, he would not be allowed to hold Her Majesty's commission for one hour afterwards. He therefore appealed to the House, and to those who were anxious that justice should be done to our fellow subjects in distant parts of the world, whether Ceylon was to be subjected to a tyranny worse than that which prevailed in any other part of the world, and which it was disgraceful to this country to permit? He, for one, was not willing that any part of the Queen's subjects should remain for one hour under the government of a man who had violated the principles of humanity, and outraged not only the feelings of a gentleman, but, he must add, the ordinary usages of civilised life. Last year, when the proceedings of the courts-martial were called for, they were told they had not yet been received in England. Yet the noble Lord, in the absence of those proceedings, without any knowledge of the evidence, gave his sanction to them. This year, for the first time, they had some account of those proceedings, and they found that Lord Torrington had ordered the sentences of the courts-martial to be carried out at once, without going through the ordinary form of referring the evidence to the Commander-in-Chief. The conduct of Sir Henry Ward in Cephalonia was bad enough, but that of Lord Torrington at Ceylon was infinitely worse. He had abolished all the safeguards which the law required should be extended to Her Majesty's subjects when subjected to military law. As he had said, he believed there never was any ground for martial law, and, consequently, the proclaiming it was an illegal act; but supposing he had the power to establish martial law himself, it was clearly illegal to delegate that power to Colonel Drought, and for him to delegate that power again to the other officers of the Army, was a course wholly unprecedented. It was on these grounds that at this late period of the Session he was anxious to call attention to the subject. He regretted to say that they had not been met in the Committee in that way they had a right to expect from the Government. Instead of affording them every information to enable them to judge, they had rather stood between the people of Ceylon and the parties who had been guilty of these cruelties. It should be remembered that besides the sacrifice of life which had been inflicted, numbers of the people had been sent into banishment, and were at this moment suffering all the miseries of that condition; and, in addition to this, under Lord Torrington's proclamation, the military had entered the houses of those persons who had fled to the jungle for fear of the martial law, and, taking their absence as a proof of guilt, had plundered their dwellings and seized and sold their property. This question of the plunder of the property by the military was of itself a matter for grave investigation, even were there no other feature in the case. These were the acts which the Committee upstairs had, by the course they had adopted, stifled all inquiry into. He demanded on the part of the people of Ceylon, who had petitioned the House, that those who were guilty might be punished, and that they should not be screened by the Colonial Office. He contended that Earl Grey, by approving of the proceedings of the colonial government had made himself a party to all their acts—the letting loose the military upon the people without any reason—the wanton sacrifice of life—the conducting the courts-martial without any of the necessary safeguards with which such tribunals were ordinarily clothed; and, again, letting loose to prey upon the people a number of young officers, one of whom behaved so bad that Captain Watson was obliged to send him under an escort, for exacting money from the natives, as a bribe to leave them unmolested. He hoped that the House would order the evidence to be produced, in order that they might be made acquainted with the facts of the case. It pained him to think that those with whom he had for years acted should attempt to cloak and cover the faults of parties who had so grossly abused the trust which had been reposed in them. Up to the present time they had not heard by what means Colonel Drought had received his orders. They could not ascertain whether he received them from General Smelt or not. If General Smelt had allowed the troops to be placed under the command of the Governor—if he had neglected his duty, the Horse Guards ought to institute an inquiry whether he was fitted to remain in his present position? On every gound—on behalf of the people of Ceylon, and on behalf also of the people of this country—he appealed to the noble Lord, that as he had refused the report of last Session to the Committee, the evidence taken before which had been suppressed by a majority of one—a decision which, had the late Sir Robert Peel lived, he believed would never have been come to—he appealed to the noble Lord, as a matter of justice, to move that that evidence be printed and laid before the House.

Lord J. RUSSELL thought the House would be of opinion that it would be impossible then to enter on the grave consideration of the affairs of Ceylon, with reference to the proceedings of the Committee appointed to investigate those affairs. The Committee had not thought it right to report the evidence to the House. The Committee having come to that decision, for the House now to act on the statement of the hon. Member for Montrose, he submitted, was entirely out of the question. He trusted, however, that no hon. Member would take for granted that the hon. Gentleman's statements were at all borne out by what took place before the Committee. The report of that Committee was—

> "Your Committee also regret that, notwithstanding their utmost diligence and perseverance, they find themselves still unable to make a complete report upon some of the various matters into which they were directed by the House to inquire.
>
> "Your Committee are of opinion that the serious attention of Her Majesty's Government should be called to the evidence taken in the course of this inquiry; and they recommend that a Royal Commission should be appointed to proceed to Ceylon to ascertain what changes may be necessary for the better government of that colony, unless some step should forthwith be taken by the Government which may obviate the necessity of further investigation."

Without entering into the question, whether the Committee were justified in coming to that conclusion, he could only say that the Government would give their attention to the subject, and take such steps as might be deemed most advisable. The Committee, no doubt, thought there were sufficient reasons why the evidence should not be given to the public. Accounts from Ceylon showed that some portions of the evidence had been published before the inquiry was complete. That evidence must have been purloined from some Member of the Committee. As the Committee had come to the conclusion that the evidence should not be published, he should only express the hope that more care would be taken in future to prevent evidence from being published till due authority was given for its publication.

Mr. GLADSTONE agreed with the noble Lord that it was impossible to enter satisfactorily into this important question at present. At the same time, he was not surprised at the strong expressions used with regard to the proceedings of the Committee by the hon. Member for Montrose. The proceedings of the Committee were, in his judgment, of such a nature, that though it was impossible on the present occasion to discuss them, they must infallibly be discussed at some future time. It was true the Committee had decided not to report the evidence to the House; but it was equally true, and it would be seen from the proceedings which the Committee had printed for the use of Members, that, on the day before they came to this decision, they came by a large majority to a directly opposite decision, to report the whole evidence to the House, with the exception of that which was personal and confidential. He should offend against the rule he had himself laid down, if he were now to go into the particular considerations which led him to think that this matter was a subject for the full consideration of the House. In his judgment, the hon. Member for Montrose, or the hon. Member for Inverness-shire, would do no more than their duty to the public if, on the earliest opportunity that the state of the public business would permit—if not on this, certainly on the earliest opportunity next Session—they again raised the question by a Motion for the production of the evidence, to draw the attention of the House both to the merits of the case with respect to the Governor of Ceylon, and with respect to the Government at home, and to a third subject, which, in his mind, was not the least instructive or the least important of the three—to the proceedings of the Committee which this House had appointed.

Mr. J. S. WORTLEY said, there was one point in the proceedings of the Committee of which he was a Member, that he wished to advert to, rather with a view to the regularity of the proceeding than with any other object. Because it would be observed from the report of the Committee—for which, to a small extent indeed, was he responsible—that they had determined not to report the evidence to the House, and yet at the same time they had determined to recommend that evidence to the serious attention of Government. He must say he was not aware of any constitutional means by which that evidence could be laid before the Government. It happened that, on the Committee, the Government was represented by one Member, who might have submitted the evidence to the consideration of the noble Lord the First Minister of the Crown, or to the Government at large. But what he wished to point out was, that the Committee had taken an anomalous course, in refusing to report the evidence to the House, and at the same time in recommending that identical evidence to the consideration of Her Majesty's Government. He would say no more upon the subject now. He felt that there must be other opportunities of entering into the general question; but he must say that the inquiries before the Committee had disclosed a state of things in the colony which not only demanded the serious attention of Government, but which induced him to hope that, before next Session, Government would take measures to remove the serious evils that existed, and that the House would not be required to go fully into the consideration of this painful case, as it would otherwise be constrained to do.

MR. HAWES would not have said a word, but for what fell from the right hon. and learned Gentleman who had just sat down, with reference to the Committee recommending the evidence to the serious attention of Government. Now, he had the honour to be a Member of the Committee, and it had been a part of his duty to submit the evidence to the noble Lord the Secretary of State for the Colonies. But, more than that, the Committee had ordered that a regular copy of the evidence should be sent from day to day to the Colonial Office; and therefore the Government were fully cognisant of it.

MR. J. W. PATTEN was afraid that was contrary to the rules of the House. It was done, he dared to say, with the best intentions; but he put it to Mr. Speaker whether any evidence taken before a Committee appointed by order of the House could be laid before any department of the Government before it was laid on the table of the House?

MR. SPEAKER said, that all the Committee could do was to report the evidence to the House; and the evidence so reported might, with the approbation of the House, go to the Government. Or, the Committee might state that it was not proper or right that the evidence should be made public, and the House might order the evidence to be referred to Her Majesty's Government. The Committee could not do it of themselves.

MR. BRIGHT said, he had seen many reports presented to the House, but never had he seen a report so ridiculous, so lame, so unworthy an investigation of this serious character, as the one in question. He was satisfied that when they read the report, and considered the painful rumours which were afloat, the very nature of the report itself would force them to call for the evidence. It was clear that either the Committee had been sitting for two years about nothing, or that they had discovered evidence of so painful a character that they had shrunk from reporting it. At the commencement of the Session they had had a discussion relative to the attempts made for bringing witnesses from Ceylon to this country. He confessed that suspicions of the gravest nature had been aroused in his mind; and he urged the House to call for the evidence, and to insist on its being placed on the table. Nothing could be more preposterous than the idea of the Committee passing over that House with the evidence, and giving it at a Government office. The House had better go home if such a system were to be pursued, and let the Government take the course it pleased. The whole thing tended to create grave suspicion, and he hoped the House would not be content until the evidence was laid upon the table.

Subject dropped.

SUPPLY—NAVAL APPOINTMENTS.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR G. PECHELL rose to call the attention of the House to the case of the retired rear-admirals, and also to the judicial appointments of vice-admiral and rear-admiral of the united kingdom. He said, that in 1845 a plan had been issued by the Admiralty relative to the retirement of captains in the Royal Navy, for the wise purpose of infusing some young blood into the list. This plan was unattended with any compulsory regulation. In 1846 another plan was issued, which differed from the plan of 1845, inasmuch as it called on captains either to accept or refuse the retirement offered. Several captains at the top of the list were in possession of civil appointments, and they were told that if they did not accept the retirement offered, they would lose these appointments. The first case which occurred under the new regulation was that of Captain Hornby, who was comptroller of the Coast Guard, and who, on his turn arriving for becoming an admiral, had to give up that appointment. The next case to which he would allude was that of Captain Beaufort, who held the situation of hydrographer to the Admiralty. When it became this officer's turn to be made an admiral, he was told that if he did not allow himself to be placed on the retired list, he must resign his appointment at the Admiralty. He accepted the retirement offered. Now here were two cases—one that of an officer losing his situation for non-compliance, and the other that of an officer retaining his appointment by compliance. Now, there was something in this which looked like compulsion. He had now to touch on the real grievance. It pleased the late Sir Robert Peel, during the time when he held office—and it was certainly a wise act of that lamented statesman—to fill up appointments at Greenwich Hospital with naval officers. At this period a gallant officer, who had served under Lord Exmouth, Captain, now Sir Henry Hart, was appointed a Commissioner of Greenwich Hospital. Now, when it became his turn to become an admiral, he thought it wise to comply with the Admiralty regulation, and accepted the retirement so as to retain his situation. Still Sir Henry Hart thought he was acting under compulsion. The officer who next succeeded on a vacancy as Commissioner of Greenwich Hospital, Sir Watkyn Owen Pell, was allowed to retain his place, and yet to remain on the active list. This was an anomaly which Sir H. Hart could not understand. He had never looked forward to being put on the retired list, a position foreign to his feelings; but Sir Watkyn Pell had somehow battled it out with the Admiralty. Now, he apprehended, there were precedents for allowing admirals to hold civil appointments, and yet to be on the acting list. Sir Augustus Clifford, who sometimes knocked at the door of that House, and discharged his duties very properly, was allowed to retain his situation of Usher of the Black Rod, and yet he was an admiral. The noble Lord the First Lord of the Treasury had laid it down, during the discussion with Admiral Napier, that the office of Lords of the Admiralty was a civil appointment. Now, he would like to know why the Lords of the Admiralty did not impose on themselves the regulations they imposed on others. He was sure those gallant Gentlemen would do their duty to their country whenever their services were required; but why should there be a distinction drawn between holding a civil appointment at Charing-cross and a civil appointment at Greenwich? The plan of retirement was considered as a boon, but it was never expected that officers at the top of the list would accept the retirement. He hoped that, having brought forward the case of Sir Henry Hart, the right hon. Gentleman the First Lord of the Admiralty would give it his consideration. He now came to the second branch of his subject. Three rewards were given to three admirals. One, the admiral of the fleet, was an appointment made by the Admiralty; the other two appointments, those of vice-admiral and rear-admiral of the united kingdom, were made by the First Lord of the Treasury, and were judicial appointments. These offices were intended for the senior admiral and the two next admirals, according to the seniority. He found, from the estimates every year, that the senior admiral held two appointments, those of admiral and vice-admiral of the fleet, and thereby an injustice was done to the gallant officer who was next in succession in point of seniority. The senior admiral was a man most distinguished in the service, and therefore he did not wish to make any invidious remarks. He would only say that, when the vice-admiral got his promotion as senior admiral, he should have been called upon to resign the inferior before he obtained the superior appointment. As it was, this double appointment operated most unjustly towards one of the most distinguished ornaments to the service, Admiral Sir Edward Codrington, by depriving him of a reward which, during a long life, he had looked forward to. He hoped the right hon. Gentleman would remedy this practical injustice.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'there be laid before the House, a Return of all Civil Appointments held by Flag Officers of Her Majesty's Fleet, distinguishing those Officers that are in the Active or Retired List."

Sir F. BARING must oppose the Motion. He was not aware that any rule existed which debarred admirals in the service from holding civil appointments. The rule no more existed in the naval than it did in the military service. He therefore had no cause to defend such appointments. The hon. and gallant Member seemed to be under the impression that officers were obliged to accept the retirement or to give up their civil appointments. These cases had occurred before he took office; but from all he had heard of Sir Henry Hart's, it appeared to him that the hon. and gallant Gentleman the Member for Brighton was under a wrong impression. He believed the acceptance of the retirement was not compulsory on any officer. They accepted it, and it was regarded as a boon. As to the case of Admiral Hornby, he was informed that on his becoming an admiral it was intimated to him that it was inconsistent with that office to hold a captain's appointment. He had never heard any complaint from Sir Francis Beaufort. The place he held was generally held by captains, and he (Sir F. Baring) regarded any arrangement by which this gallant officer's services could be secured to the country as most beneficial. With regard to the office of admiral of the fleet, the hon. and gallant Member was under some mistake. This was an office which was not conferred out of the usual line of seniority. The vice-admiral and the rear-admiral were not appointed according to seniority, but the distinction was conferred by the Crown on the recommendation of the First Lord of the Treasury, on the ground of distinguished merits. The admiral of the fleet drew no salary as vice-admiral, and did not think he was called upon to resign that appointment, for though he highly valued the office of admiral of the fleet, having obtained it by seniority, he still more highly valued the office of vice-admiral, having obtained it as a reward and recognition of his own merit. He need hardly assure the House that, although Sir Edward Codrington had no claim to the office on the score of seniority, he felt sure that should a vacancy occur he would receive the reward to which his high merit, during a long career in the service of his country, entitled him.

Sir J. DUKE had the honour of serving under Sir Henry Hart during the war, and he could state to the House that this gallant officer felt hurt at the rule laid down by the Admiralty. He could not understand why the Admiralty had imposed on that gallant officer the necessity of resigning his appointment or becoming a superannuated rear-admiral. There was not a more gallant officer in the service than Sir Watkyn Owen Pell; but he could not understand how he had been allowed to receive his flag and retain his civil appointment, when the gallant officer Sir Henry Hart had not been permitted to do so. The same rule ought to have been applied to both cases.

Admiral BERKELEY said, the difference in the two cases was, that Sir Henry Hart had taken the retirement, knowing he could not rise beyond the rank of rear-admiral, and Sir Watkyn Owen Pell had not accepted it.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

EJECTMENTS IN BERKSHIRE.

Mr. HENLEY wished before the House went into Committee of Supply, to call the attention of the House to that part of the report of G. A'Becket, Esq., that relates to Reading, in Berkshire, contained in the reports to the Poor Law Board on laws of settlement and removal of the poor, presented to both Houses of Parliament, by command of Her Majesty, in the year 1850. It appeared that some time since evidence had been given by Mr. Chadwick, before a Committee, to the effect that the poor had been driven into Reading in consequence of a number of houses having been pulled down in the surrounding agricultural parishes. That was doubted. However, in 1848 the late President of the Poor Law Board directed inquiries to be made by a gentleman named A'Becket. That gentleman, in his report, distinctly referred to the evidence of Mr. Chadwick, and in the last paragraph of his report he stated that he had no hesitation in saying that the practice of pulling down cottages for the purpose of driving out the agricultural labourers had existed in several parishes. That allegation had created some surprise in the neighbourhood where the occurrences were alleged to have taken place; and Mr. A'Becket added that they had been driven into Reading either because they had been guilty of poaching, or had been accused of it. Correspondence had taken place upon the subject, and he and his hon. Friend the Member for Berkshire had received numerous communications. There now appeared to be two courses which might be taken on the subject. One was to appoint a Select Committee; and the other, the more simple and readier course, would be, that on some occasion he should move as an unopposed return, that that correspondence be printed and laid before the House. He begged to ask whether there would be any objection to that course?

MR. ROBERT PALMER said, that having seen the report alluded to, and the statement relative to the parishes in his own neighbourhood, he had thought it his duty last year to inquire whether that report was substantially correct; and he could not find that within the recollection of persons in the neighbourhood the facts were as stated by Mr. Chadwick. There was one parish in the county of Oxford the greater portion of the property in which belonged to a friend of his. He knew that that gentleman was considerably hurt at the allusions that were made, and he denied the accuracy of the statement. Also in a part of the county of Berks there was a small parish near the town of Reading, which he knew to be the property of only two persons. One of those gentlemen had brought him a list of the different cottages pulled down on account of dilapidation, and of others built in their place, and had made a statement which was very different from Mr. Chadwick's and the report. The other gentleman had made a statement of the facts before a Master in Chancery. He thought it would be very satisfactory if all the papers were to be laid upon the table of the House.

MR. BAINES should be extremely sorry that any report that emanated from the Poor Law Board should be the means of doing injustice to any one; but the allegations having been made, he was anxious that the truth should be fully investigated. The hon. Gentleman had the courtesy to communicate to him the contents of the letters that he had received. He thereupon placed himself in communication with Mr. A'Becket, stated that doubts had been expressed with regard to the accuracy of some of the information he had received, and asked him to go down again, and investigate on the spot the facts of the case. Mr. A'Becket accordingly did go again to Reading, and he had since reported that his original impressions remained unaltered. He had handed the hon. Gentleman opposite the letter so received from Mr. A'Becket. Further correspondence ensued, and he begged to say that every letter and every document in his possession forming a portion of that correspondence should be most cheerfully produced.

EXHIBITION OF 1851—HYDE PARK.

COLONEL SIBTHORP would now call the attention of the House to the proceedings on the part of the Attorney General relative to the erection of buildings in Hyde Park for the proposed Exhibition of 1851. It had been his intention to have moved an address, "praying Her Majesty to direct her Attorney General to give his sanction to the filing of the proposed information for an injunction to restrain the erection of any building in any part of Hyde Park for the intended Exhibition of 1851;" but it appearing that the forms of the House precluded his making that Motion at the present moment, he should reserve it until some other opportunity when the House was going into Committee of Supply, or Ways and Means. After the very explicit opinion just given by those eminent counsel, Sir F. Kelly, Mr. Rolt, and Mr. Cairns, he trusted the hon. and learned Attorney General would be induced to reconsider his refusal to allow the filing of the information which required the sanction of his name. Such a course would be at once honourable on his part, and an act of justice to the public, and that numerous body of petitioners who had petitioned the House on the subject. He denied the efficacy of a vote of the House of Commons to contravene the public rights, and repudiated the notion that the Attorney General could not act in opposition to such a vote. He also denied the right of the Commissioners of Woods and Forests to appropriate the public parks of England to any purpose which might be pleasing to themselves, or which they might think congenial to wishes expressed by persons in certain quarters—persons whom it might be their interest, but certainly not their duty, to fawn upon and flatter. The right of enjoyment of our parks was vested in the people of this country, and had been recognised in the reigns of the Charleses, of William III., of George II., of William IV., and in the reign of the present Sovereign. He believed Her Majesty to be one of the last persons who would desire to do anything or to sanction anything hostile to the feelings of Her subjects, or which could interfere with their rights and enjoyments. Hyde Park had been devoted uninterruptedly to the enjoyment and recreation of the people; and so strongly was their right held to be in the reign of William III., that hackney coachmen were not suffered to remain within the park, because at some previous period they had interfered with, molested, and insulted the respectable class of persons seeking recreation there. Hyde Park was emphatically the park of the people, and it was now proposed to be devoted to purposes which he must hold to be prejudicial to the people in a moral, religious, and social point of view. It was sought to appropriate it to the encouragement of—what? To the encouragement of everything calculated to be prejudicial to the interests of the people. An exhibition of the industry of all nations, forsooth! An exhibition of the trumpery and trash of foreign countries, to the detriment of our own already too much oppressed manufacturers. The Commissioners of Woods and Forests, as trustees of the public, were bound to protect their rights, and not permit them to be robbed and spoliated. The Attorney General said, "It is my will and pleasure that I should do as I propose," and forthwith he put his will and pleasure into execution. But even supposing the Attorney General to be right in refusing to file the information, was it wise to use the giant's strength he assumed to possess against the public good and against public principle? The public had a voice in such a matter, and were not to be trifled with. He thought it neither politic nor judicious to make the attempt. He believed that those who had been first and foremost in starting this exhibition regretted very much that they had ever taken it in hand. They now declined to retrograde, however, because they feared giving offence to foreigners. The promoters of this project had got into a scrape, and the sooner they got out of it the better. They were flying in the face of the rights of the public merely to gratify the foreigner, who had no right to be here at all. He called upon the Attorney General to give ear to the opinions expressed, and recommendations emanating from such eminent lawyers as Lord Chief Justice Campbell, and Mr. Justice Cresswell, and join in a censure upon the illegal and unconstitutional course the Commissioners of Woods and Forests were pursuing. On a future occasion, he should move the address which he had read to the House; and on Monday next, in moving that a petition on the subject, presented a few days before by the hon. and learned Member for Abingdon be printed, he should again address some observations to the House.

The ATTORNEY GENERAL said, that so far as he was personally concerned, he felt indebted to the hon. and gallant Member for bringing this question before the House, both because it was highly important that every public functionary should be ready to explain his conduct upon all occasions to the House, and also because upon this particular occasion he was extremely desirous to state to the House the motives which had actuated him in the course he had adopted with respect to the information in question. But before he proceeded to say anything on that subject, he thought it right that he should say that the course adopted in this case had been taken upon his own sole responsibility; that he had not been asked to take that course by anybody; and that he had not been advised by anybody to take it. He had not, indeed, consulted with anybody previous to determining upon taking that course. He might very possibly be wrong in the judgment he had come to. If he had had any doubt upon the subject, he should have thought it his duty to take advice and counsel from those who were capable of giving it; but entertaining no doubt with respect to the course which he felt it his duty to pursue, he thought that the only proper and dignified course for him to take was to act upon his own responsibility. In this case, too, the House would permit him to observe that there could be no doubt at all that the duty of signing the information by the Attorney General was not a mere matter of form. It was a matter in which he had to exercise his discretion—in which he had to read every information in order to enable him to form an opinion whether it was a proper case to be submitted to the consideration of a court of justice. This had been the established and invariable practice, as far as he was aware, of all the Attorney Generals who had preceded him in his office; and he had heard regret over and over again expressed by every Judge who had presided in the courts of equity, that cases had not been fully brought under the attention of the Attorney General, because if that had been the case he would never have sanctioned such proceedings. He had also known matters referred back to the Attorney General, with a recommendation from the court to reconsider them, and to see whether, upon increased information, he would deem it proper to proceed. And without detaining the House upon the subject, he might be allowed to say that various matters might technically arise in which great evil might be occasioned, if an information were permitted to be brought before the attention of courts of justice without considering how far the interests of other persons whose benefit was sought to be promoted would be affected by it. He had himself since he had had the honour to hold the office he now held, refused to grant his fiat to a petition under the 52nd George III., which was exactly analogous to the present proceeding, because he was convinced that the advantage which was sought to be gained by the redress of the inconvenience in the particular charity, was not commensurate with the expense which would be incurred in redressing it. There could be no doubt, then, about the discretion which was required to be exercised by the Attorney General, and the great responsibility which attached to him before he gave his sanction to any information whatever. He should now proceed briefly to explain the motives which induced him to refuse his assent to the information. The information was at the instance of certain relators, who conceived that the building proposed to be erected in Hyde Park would interfere with the rights of individuals as well as with the rights of the public, and they therefore sought to obtain an injunction to restrain those who intended to erect such a building from proceeding with that undertaking. Now, it was essential that the House should bear in mind the several interests connected with this matter. The information alleged that there were two interests concerned—those of the Crown and those of the public; but the interests of the public were divisable into two parts, one portion that of the State, as represented by the Commissioners of Woods and Forests, and another portion that which the public had in the enjoyment of the park as a place of recreation. The rights of the Crown were simple and plain: Hyde Park was a portion of the hereditary property of the Crown, subject to no restrictions but what the statute law imposed. The rights of the Crown were those of a proprietor in fee simple—the Crown might do with that estate as it thought fit, except so far as it might be restrained by the various Acts of Parliament having reference to its property, and except in so far that it had no power to alienate from its successors that or any other hereditary estate. It was part of the functions and duties of the Commissioners of Woods and Forests to manage the land revenues of the Crown, except in so far as that power might have been taken away by Act of Parliament. Now, in this case it was alleged that the Commissioners of Woods and Forests did not possess any authority to erect any such edifice as it was now proposed to build, and the statement was sufficiently correct if limited to the exercise of that authority as against the Crown; if that prerogative of the Crown were invaded, it would be the duty of the Attorney General to proceed, not by signing such an information as was now under consideration at the instance of relators: it would be his duty to file an information *ex officio*. But that the Crown—the Commissioners of Woods and Forests co-operating—did possess the power of erecting buildings in Hyde Park, was a position of which there could not be the slightest doubt. That to act upon that opinion had very long been the practice, there could also be no doubt whatever, in proof of which he might mention the barracks erected in St. James's Park, as well as various waterworks, for which no Act of Parliament had ever been thought necessary, the Royal sign-manual being the only authority, as happened also in the case of the cottage built in Windsor Park by George IV., then Prince Regent. For any building in any of the parks no sanction of an Act of Parliament was necessary if the Crown gave its consent. But he then limited himself to speaking of the erection of buildings which did not interfere with the rights of individuals; wherever those rights were affected, the persons concerned had their proper redress, but the power of which he spoke was one which the Crown had always possessed, and had always exercised. A question of right, however, arose when individuals claimed redress; the Crown, however, was not accustomed to use its prerogative to the injury of private interests. As he had already said, the interests of the public in this matter were divisable into two parts—that which the Board of Woods and Forests administered, and that which the people at large enjoyed when they took recreation in Hyde Park. The

Board (that of the Woods and Forests) by which the land revenues of the Crown were managed, had been created by Act of Parliament for the purpose of managing that property in a manner the most beneficial to the Crown. That Board received all the rents and fines accruing to the Crown, and by a species of compact, the civil list being provided for out of the Consolidated Fund, the issues and profits of the Crown lands were, by the Commissioners of Woods and Forests, paid over to that fund, and the Commissioners, representing the public, had an interest in the matter now under consideration; but he wished to consider the other interest that the public had in this matter. First, he alluded to the interest which they had when taking pleasure and recreation in the park; and here he would venture to say, that as to the legal point, the relators had no ground on which to base their resistance. The public, so far as recreation was concerned, were in the same situation with regard to Hyde Park as that in which they stood with regard to all others of the Royal parks: they were admitted by the grace, and at the pleasure, of the Crown. It was an enjoyment with which the Crown was never likely to interfere; but that was not now the question. What he meant to affirm was, that, speaking as to the legal point, there was no right in the public to the enjoyment of those parks. There might, perhaps, be a right of way from one place to another, but that was a different question. The free access to the parks—the enjoyment of them as a place of recreation — was a matter which depended solely upon the grace and favour of the Crown, and no man could say that the public possessed any legal right to insist upon the gates of any park being kept open, say till any particular hour of the day, or to insist that any particular class of vehicle should not be excluded from the parks. He spoke now of the public possessing no common-law right to take pleasure or recreation in those parks. If there were particular customs in a matter of this sort, they could be enforced, not for the benefit of the public, but for that of some individuals, or set of individuals, who did not constitute the whole community, but a certain class or classes. Thus, the inhabitants of a certain district might possess by custom the right to play at cricket on the village green. That right might be very good as regarded the inhabitants of the district; but it was one in which the public at large had a direct interest. This might appear a technical distinction, but, in the present case, it was by no means merely technical, for the information claimed a right on behalf of the public; but the public could possess no right independently of an Act of Parliament, and there was no statute which gave to the public a right to take pleasure and recreation in Hyde Park, or in any one of the parks. Assuming for a moment that any one supposed the rights of recreation and pleasure to be in persons residing within a certain distance of Hyde Park, in the inhabitants of London, Westminster, Southwark, and the villages adjoining them, the right would not be in the community at large, but in certain classes of persons; and they would not be entitled to proceed by way of information; the proper mode for them would be, that a few of the inhabitants of London and Westminster should file a bill on their own behalf, and on that of the other inhabitants of those districts; and no refusal of the Attorney General could prevent their doing so. Nothing more easy than for such parties to do so; but, as the Crown would be in possession, it might possibly be necessary to prefer a petition of right. The Attorney General, however, would be without any power in the matter, inasmuch as the right could not under such circumstances as he had supposed be claimed by the whole community. But in the present case there had been no allegation of any right possessed by any particular class. He thought that that was the proposition to be considered, and he thought that the Attorney General had a right, on the part of the Crown, to stop the course of the proceedings when the relators came forward on behalf of the public; and he had declined to sanction the information after giving to the subject the best attention in his power. It appeared to him that the relators sought not the advantage of the public, but their own advantage; and, under such circumstances, if the Attorney General had acceded to their wishes, he would have betrayed the interests of the Crown, and deserved the severe censure of the House of Commons. On the part of the relators, it was alleged that the Commissioners of Woods and Forests were trustees for the public, and that they could be made accountable in the courts of justice for the manner in which they administered the trusts confided to them. This he conceived not to be the law; and he considered the question attempted to be raised one of very great importance. The Commissioners of Woods and Forests were Ministers of the Crown, appointed by the Crown to manage the Crown revenues for the benefit of the public, and to pay them over to the Consolidated Fund; they were, therefore, strictly accountable, but they were not accountable in any place other than in Parliament, and it would be a most dangerous innovation if the Court of Chancery were to be allowed to call such Ministers to account instead of leaving them to their responsibility in Parliament. It would be in the recollection of the House that six years ago a right hon. Baronet, now no more, had by an Order in Council suspended the admission of foreign corn free of duty. If he could have been made responsible for that in a court of equity, a collection of landlords might have sought for an injunction to restrain him; and that case appeared perfectly analogous to the position in which the Commissioners of Woods and Forests were now placed by the parties who called upon the Attorney General to concur in this most dangerous innovation, which appeared deeply injurious to the interests of the community; and he dwelt on this the more especially as it had been noticed of late that there was a great desire on the part of the courts of law to interfere with the privileges and prerogatives of that House. He did not propose to go into that question, but it had long been notorious to every one that such a disposition existed; and it had long been an adage in Westminster-hall that it was the part of a good Judge to endeavour to extend his jurisdiction; but if he had signed such an information as that presented to him, he would certainly have made himself instrumental in extending the jurisdiction of the Court of Chancery; and he did consider that if he had sanctioned the proceeding which he was called upon to give his name to, he should have been doing nothing more nor less than sanctioning an appeal from the House of Commons to the High Court of Chancery; and if the Attorney General had done anything of the sort, he would have been guilty of a gross neglect of duty. The interests of the Woods and Forests and those of the public had already been decided by that House, and nothing remained but to carry that decision into effect. Nothing would have been more easy for him than to have given his consent to the information. His doing so would not, in any respect, have prejudiced him—whatever course he took it would not deprive him of the office which he now held, nor would it injure him in his profession. The House was well aware that if he had taken a different course, he would have had the powerful support of the press, and he could not be blind to the fact that, having resolved not to sign the information, vituperation and blame had attached to him in the course which he had taken; but he took that course because he firmly believed it to be his duty; and as long as he held the office which he had now the honour to fill, he would discharge its duties on his own responsibility alone, and he trusted that he should temperately but fearlessly do whatever he had undertaken to perform.

SUPPLY—ARMY ESTIMATES.

The House then went into Committee of Supply.

(1.) 1,862,430*l.* to complete charge for Land Forces.

Mr. HUME said, he should admit that the Army was now in a better position and condition than either the Navy or Ordnance. He thought there was much to be done in regard to the improved organisation of the Army. However, he would not then enter upon that question. Looking at the state of the Army, Navy, and Ordnance, and the state of our finances, he believed considerable retrenchment might be made without rendering either of these branches in the least degree less effective. He believed a very large portion of the Ordnance stores had been wasted, and in that department especially much more improvement might be effected. It was not his intention to propose any alterations then, or interfere with any of the returns. The House had voted the number of men—they were bound to pay them, and the vote before the House was for that purpose. At the same time he was certain they had voted for 20,000 men more than they wanted; but the time was not far distant when considerable retrenchments should be made. He thought it was of great importance that the public should be made aware more precisely of the nature of those estimates than they could be by the more anouncement of the total sum voted. He was of opinion that the estimates ought to be reduced to what they were in 1835. As regarded the Army, he felt bound to say that the estimates were rather creditable, looking at the relative expenses of the three branches. There was certainly much less ground for complaints of the Army Estimates, seeing the increased number of men employed, than in the other two departments of the service. He had examined the returns submitted to the House, and compared their several items. The result of his opinion was, that the Army bore by far the best comparison. He found the Navy and Ordnance estimates very different indeed. There was an enormous increase for the last five years on the expenses for the preceding five years. In the Ordnance department they were more than double what they had been. Taking the expenditure of the Army, Navy, and Ordnance, for five years, from 1834 to 1838 (both inclusive), and distinguishing under each year and each head the separate expenditure, and the total amount of the three services in each year, he found the results to be—

Years.	Army.	Navy.	Ordnance	Total.
	£.	£.	£.	£.
1834	6,493,925	4,503,960	1,068,223	12,066,057
1835	6,406,143	4,099,430	1,151,914	11,657,487
1836	6,473,183	4,205,726	1,434,059	12,112,968
1837	6,521,715	4,750,659	1,444,523	12,716,897
1838	6,815,641	4,520,428	1,384,681	12,720,750
				61,274,159

Taking the averages of each service in the next five years, from 1846 to 1850 inclusive, he found the returns stated—

Years.	Army.	Navy.	Ordnance	Total.
	£.	£.	£.	£.
1846	6,699,699	7,803,464	2,361,834	16,864,697
1847	7,540,404	8,013.873	2,947,869	18,502,146
1848	6,647,284	7,922,286	3,076,124	17,645,694
1849	6,549,109	6,942,397	2,332,631	13,824,537
1850	6,490,474	6,711,724	2,485,387	15,687,585
				84,524,659

Showing an increase for the latter period of about 4,300,000*l.* There was a very strong opinion that considerable alterations ought to take place in these matters, and that great improvements might be made without lessening the efficiency of the services. He should like to see the Army as in other countries, where each regiment should take their routine of duty abroad. It was not fair to give some regiments all the service abroad, and a very small proportion of it at home. He believed there might be reductions. Military men, of course, differed with him, and if he was in the Army himself he might be disposed to be of their opinion; but not having any personal interest in view, and looking at the increase of taxation and the burthens on the country, he thought great improvements might be effected in the services generally.

MR. F. MAULE willingly bore testimony to the patience and temper with which the Committee upon the Army Estimates had investigated the matters before them, and which could not fail to be of service to the whole branch of the profession. They had opened large subjects of inquiry—the clothing of the Army, the question of agency, and, indeed, the whole constitution of the Army. These were subjects which required very considerable time and deliberation before the Committee proposed any report to the House. The Government would be in the possession of the evidence upon these points; and before the estimates were presented to the House next year, the Government would give it their most careful consideration.

COLONEL CHATTERTON: Sir, I trust my right hon. Friend the Secretary at War will bear with patience, and excuse the remarks I think it my duty to offer on these estimates, believing I am solely actuated for the benefit and advantage of that profession in which I have passed my life.

Good-Conduct Badges.—I beg, in the first place, to draw the right hon. Secretary's attention to this item. I see no charge for them in the Estimates, though I am quite aware the right hon. Secretary only gives one to each soldier as his conduct merits it. Is the right hon. Secretary unwilling this should be known? But, shabby as the distinction is, it costs the private soldier 3*s.*; and if he has to provide them, and becomes entitled to three or four badges, this supply of eight (one for each jacket and coat) forms a large deduction from his pay; and as gold lace is worn by corporals of Cavalry at a charge of 1*s.* 6*d.* each badge, when he becomes entitled to three or four, it entails an expense of 10*s.* or 12*s.* a year. Now, Sir, as all honorary gifts and decorations are given to officers free of charge, I cannot understand why soldiers should pay for them. I therefore beg to call my right hon. Friend's attention to this; and I hope he will not only furnish them gratis in future with every clothing, but give them of gold or silver lace, according to the service, whether Cavalry or Infantry, the man is in.

Allowance to Commanding Officers.—The next remark I would make, Sir, is, how can any idea of right or justice sanction an Infantry Lieutenant-Colonel receiving 3*s*. a day for commanding his regiment, and not grant it also to the Lieutenant-Colonel of Cavalry, whose expenses quadruple those of the Infantry Lieutenant-Colonel? It actually makes the Infantry Lieutenant-Colonel receive more pay than the Cavalry. My right hon. Friend seems incredulous, but I think I can convince him I am correct ere long.

I now come to Money Allowances to Field and Staff Officers at home, in lieu of Forage, and would ask, can anything be more unjust than charging Cavalry Officers for the forage of the horses they are obliged to keep for the public service? I will take the rank of Lieutenant-Colonel. He is obliged to keep a horse, for the forage of which he suffers a daily deduction of his pay of 2*s*. 10*d*.; that daily pay of 1*l*. 3*s*. is thus reduced to 1*l*. 0*s*. 2*d*. Now, the Infantry Lieutenant-Colonel receives 17*s*. a day; 3*s*. a day for commanding his regiment, and about 2*s*. 3*d*. or 2*s*. 6*d*. for forage for his horse. I think I have now proved to my right hon. Friend (miserably and inadequately paid as both services are), that the Cavalry Lieutenant-Colonel is the worse off, although he has expensive horses to purchase, expensive appointments and accoutrements to provide. Now, Sir, I hope the right hon. Secretary will recollect this, and remove an injustice which only exists in the Cavalry service; for when we find our illustrious Field Marshal —all General Officers—all Staff Officers—all Officers of Artillery and Engineers, and mounted Infantry Officers, are paid for the keep of their horses, no one idea of right or justice can be brought forward in support of the Cavalry Officer being obliged to pay for those horses which the public service compels him to provide.

The next item is, Lodging-money for Married Soldiers. When I last called the attention of the House to the demoralisation and impropriety of married and bachelor soldiers occupying the same rooms in barracks, I was told that Government had it under consideration, and had given a grant for that purpose. But, Sir, what does this great grant—this extraordinary boon—amount to?—4*d*. a week to a married soldier to provide lodging for himself and family. Really, Sir, the penury of this grant is inconceivable; but I am sure my right hon. Friend will correct

The next item is, the Gratuities to deserving Soldiers. This is also on the lowest possible scale of economy. In my mind, Sir, soldiers who deserve a gratuity and medal, or discharge, should receive it; and this honour and bounty should not be so restricted as at present. One only is issued in each year; one for the serjeant, one for the corporal, and one for the private. Therefore, the most numerous body can only receive a medal in three years. I cannot state how perfectly incomplete this reward is.

Paymasters and Solicitors.—I see, Sir, 16,305*l*. charged for the former, and 205*l*. 6*s*. 3*d*. for the latter. Now, Sir, as to the former, I really think a great saving may be here gradually made. The Household Brigade, the Artillery, the Engineers, all do without the services of this officer; and I cannot see why it should not be the same in the Cavalry and Infantry of the Line. I have the greatest respect for these gentlemen, and I would not remove one of the present occupants; but I think their services may be gradually dispensed with without any loss to the public service. As to the Solicitors, I do not understand that situation; but if the Foot Guards must go to law, they should, I think, pay their own solicitors' bills.

Serjeants and Serjeant Majors.—I now come, Sir, to what I consider one of the greatest grievances in the Army, and I feel confident my right hon. Friend will give his serious consideration to its amelioration. I mean, Sir, depriving Serjeant Majors and Serjeants of their good-conduct pay on being promoted to that rank. When a corporal is promoted to the rank of serjeant, he is at the same time rewarded and punished. His pay as Corporal is 1*s*. 8*d*. per day (in Cavalry), and if he, after years of continued good conduct, and the strictest attention to duty, obtains four or five badges for good conduct, it exceeds that of a serjeant, and he is promoted to a situation of far greater merit, honour, and far greater expense. From his multifarious duties he is so occupied as to be unable to clean his horse or appointments, and is obliged to employ a Dragoon at an expense of 1*s*. 6*d*. per week (the sum the Regulation also orders the Infantry officer to pay his servant). Being obliged at all times to be respectably dressed (in fact, to be a pattern man), he has to supply himself annually at least with a pair of boots at a cost of 18*s*., a jacket at 25*s*., overalls, 26*s*., a forage cap, and other articles of expensive equipment. For the right hon. Secretary is of course aware the Cavalry soldier is only clothed once in every two years. The serjeant is also by regulation obliged to attend the serjeants' mess; another additional expense. On discharge he is also a sufferer. If he serves 21 years, and has not completed three years of that time as a serjeant, he only receives a private's pension—8*d.* a day; whereas, had he remained a corporal, and with the same service, he would be entitled to 1*s.*

Being deprived of his good-conduct pay and badges on promotion, though he possessed them as corporal and private, no mention of them is made in his parchment certificate or discharge, and this often militates against his obtaining employment on retirement from the service. It has been said, Sir, that an equivalent is given by the allowance of medals and gratuity of 20*l.*, which a well-conducted serjeant can receive on discharge. Now, really, Sir, this is perfectly absurd; and I am sure every hon. Member who hears me must see it in that light when only 123 serjeants out of 7,118 have been granted that gratuity (from the paucity of the grant), or one in about 70. This certainly is but small encouragement for good conduct.

In consequence of what I have stated, and the very few advantages held out to the serjeant, I have known several corporals refuse the promotion, from the greater benefits of the corporal's situation, both when serving and on discharge. This, Sir, should not exist.

Sir, I have, however feebly, endeavoured to bring the case of this most deserving and excellent class of men—the serjeants of both services, before my right hon. Friend and the Committee; and I trust I shall not have pleaded in vain, but that the right hon Secretary, seeing the manifest injustice of depriving the serjeants of their hard-earned honours, will take their case into his serious consideration, and grant that good-conduct pay and badge which they have so well deserved, and which I cannot help saying they have been unjustly deprived of.

COLONEL DUNNE said, no one more sincerely felt the necessity for economy than he did. As the Committee had not reported, he would abstain from any remarks on the subject. He quite concurred in the hardships on private soldiers referred to by the hon. and gallant Member for Cork city.

MR. BRIGHT said, there was one subject connected with this vote to which he wished to call the attention of the Government and the right hon. Gentleman the Secretary at War. He referred to the allowance to officiating clergymen for performing divine service—17,500*l.* He was not about to object to the clergymen or the vote, but he thought it right to refer to a circumstance connected with both. He observed that the practice of blessing or consecrating banners, for the Army, was continued, and he was prepared to state his own opinion with regard to that practice. He believed it was calculated to give very great pain to large classes in this country—large bodies connected with the Established Church—and Dissenters more especially, from the manner in which it was performed. The case to which he wished to call the attention of the Secretary at War appeared in the *Freeman's Journal* of the 28th of March, 1850, upon the occasion of the presentation of new colours to the 55th Regiment, in Phœnix Park, Dublin. The ceremony of consecration was performed by the Rev. Charles Hort, chaplain to the garrison, who was robed in his full canonicals. What he (Mr. Bright) wished to call attention to was the prayer, which, in his opinion, was totally unsuited to such an occasion; and he ventured to say that no man in that House would be prepared to defend it as it appeared in the newspaper. After praying for the Queen, and offering up a variety of other petitions, the rev. gentleman went on to say—

> "Having implored thy blessing, O Lord, upon the Queen and all the Royal Family, we would now implore thy blessing upon that portion of Her loyal and devoted subjects now present, and who are more immediately engaged in the service and defence of their country. We thank thee, O Lord, that although the maintenance of the profession to which they belong is rendered necessary owing to the wickedness and depravity of man, still it is a profession countenanced and recognised in the pages of thy Holy Word; and as the banner of the cross of Christ, the great Captain of our salvation, is therein set forth as the chief point around which the soldiers of Jesus rally in the day of trouble, and a sight of which, when looked at through the eye of faith, inspires the beholders with renewed confidence and energy, so, O Lord, may these earthly banners now being renewed and consecrated to thy service and the defence and honour of our Sovereign, be as instrumental as those that are now being laid aside, have been in maintaining the loyalty and bravery of the corps now before thee—a corps which has ever been ready to stand foremost in its contributions to the fame and glory of the British arms. We call upon thee, therefore, O Lord, to bless and consecrate these banners. In thy name, most mighty Lord of Hosts, we do now send them forth. May they never be unfurled in any but a good cause—may they, as we doubt not they shall be, borne and supported by strong arms and brave hearts, who, if they fear thee only, shall be enabled to do all things through Christ, who will strengthen them. Cover and protect those over whom these colours shall wave in the day of battle; or if they fall, as many of

their gallant comrades have fallen whose bones have been left upon foreign shores, may they die as good soldiers of Jesus Christ, and who have triumphantly borne the banner of the cross. May they never be ashamed of Him whose encounters and victories on their behalf this solemn season of the year brings forcibly to mind. Finally, may they be strong in the Lord—may they this day put on the whole armour of God—may they fight the good fight of faith, and lay hold on eternal life; and for their encouragement may they treasure up the words of the great Captain of their salvation—'Be thou faithful unto death, and I will give thee a crown of life.'"

If there were parties who believed that there could be any advantage to those banners, or the persons who served under them, derived from such services, he (Mr. Bright) could only say he thought that it was one of the greatest superstitions conceivable. If there were persons who believed there was no advantage from it, then his opinion was that such consecrations were a hollow imposture, which ought to be abandoned. Since Constantine marched under the banner, bearing the motto, *In hoc signo vinces*, there had been nothing which more nearly approached to superstition than that prayer—an abstract from which he had read to the House. What salutary effect could it have upon the soldiers, mixed up and confused as it must have been in their minds at the time? He was sure it had no effect upon their individual respectability or good conduct. He did not speak of the matter with regard to the peculiar sentiments of any particular sect. He believed there were hundreds of thousands of all denominations of Christians in this country who disapproved of it. Its effect, as far as the soldiers were considered, could be of no good whatever. He believed no man in the British Army thought the banners were rendered more useful by consecrating them. He feared by persisting in such practices it would be thought the Legislature was endeavouring to bolster up Christianity itself. He should like to know whether it could be proved to the House and the country that any good object could be effected by such a ceremony. If it was necessary that petitions should be put up to Heaven, they should have them in their public services and in places devoted to public worship; but they should not call upon the Sacred Name and Attributes in such ceremonies as he had described. He had heard of similar occurrences at Portsmouth and other places, but he thought that to which he had called attention was the very worst they could have seen. It was a prayer, not only not religious, but upon the face of it, he said emphatically, it was as blasphemous a prayer as ever had been offered in the face of Heaven.

Mr. F. MAULE said, he did not think the exactions referred to by the hon. and gallant Member for the city of Cork were so very great, after all, when it was considered they were made with an increase of daily pay. With regard to the question of married soldiers, he had done all in his power to make arrangements in the barracks; and the Ordnance Department had been most anxious to assist him, so as to separate as far as possible the married from the single. He believed that was carried out to a considerable extent, and he did not find now so many complaints on that subject as there were. With regard to the solicitor of the household brigade, there were many cases in which the household brigade and the Army generally were involved in law, and in the household brigade they found it better to make a small allowance to pay the solicitor. There were so many detached bodies of the Army, that they could not appoint solicitors to each of them. Then, with regard to the discharge, the commanding officer put at the bottom of the certificate the character of the man. And now to address himself for one moment to the question which his hon. Friend the Member for Manchester had raised. He must say that the question of the consecration of the colours of a regiment was one which must be a matter of opinion. It was a custom which had been handed down in the Army from time immemorial. It was the practice whenever colours were presented to a regiment, to sanction the presentation by invoking on the occasion the blessing of the Almighty God. For his own part he could see nothing offensive in this; he could see nothing superstitious in it. He admitted that it might not be necessary, in order to ensure to those colours the attachment and affectionate regard of the soldiers who fought under them; but the soldiers were none of them the worse for hearing that blessing solicited. With reference to the prayer which his hon. Friend had read, he confessed that if this observance was to be practised at all, so far as he could listen to that prayer, he did not see anything that could be found fault with, and he saw no expression which could well be improved. The chaplain of the garrison of Dublin, from whom that prayer was said to have emanated, he believed had the interest of the soldiers, over whom he held a pastoral charge, most sincerely and cordially at heart. He believed there was no act which attracted so much the attention of the soldier of a regiment, or one with which so little fault had been found, either by the public press or by individuals complaining to a public department, than the observance of a religious ceremony on the presentation of new colours to a regiment. It was, as he said, established by no order or regulation that he was aware of, but it was a custom that had come down to us from the earliest times, but it was one that might be dispensed with, if such was the wish of the Army and the pleasure of that House. But it was one that he saw no grounds himself to interfere with, and therefore, with all respect to, and feeling all respect for, the religious feelings of all classes in this country, he should not interfere with it, believing it to be acceptable to the feelings of the Army, and also to the feelings of the public.

CAPTAIN BOLDERO said, he was glad that his hon. and gallant Friend the Member for the city of Cork had brought forward the subject of good-conduct pay. He himself knew of the case of a corporal who had four badges for good conduct, and who had on that account an addition of 4*d.* a day to his pay, and who preferred remaining as he was than being made a sergeant. With regard to what fell from the hon. Member for Manchester, he (Captain Boldero) thought the prayer he had read a very appropriate one. The hon. Member talked of regiments as if he were as conversant with them as he was with the loom and the spinning-jenny of Manchester. Soldiers were much attached to the colours of their regiments; they would defend them at the risk of their lives, and rather than they should fall into improper hands they had been known to burn them and eat the ashes.

MR. F. MAULE explained, with regard to the good-conduct pay, that a corporal's pay was 1*s.* 4*d.*, while a serjeant's was 1*s.* 10*d.*, a day, and the serjeant when he was discharged was entitled to a higher pension.

SIR H. WILLOUGHBY complained of the proportion of the expenses paid by the East India Company for the troops in their service.

MR. HUME said, the agreement was that the Company should take upon itself the pay of each regiment from the day it embarked to the day it returned, besides which they paid 60,000*l.* a year towards the pensions.

MR. COBDEN was quite sure that the East India Company did not pay their fair proportion of expenses for the soldiers in their employ. Take, for instance, the pensioners. The out-pensioners of Chelsea alone cost a million a year. At this moment nearly one-fifth of the Army was in India, and if the Company were charged one-fifth, their proportion of the pension list would be 200,000*l.* a year, letting alone the officers.

MR. WAKLEY begged to ask the Secretary at War if any inquiries had been made or steps taken with regard to the adoption of the knapsack invented by Mr. Bennett, and which was admitted to be much superior to that now in use?

MR. F. MAULE replied that his attention had been drawn to it. It did not, however, rest with him, but with the Commander-in-Chief.

MR. WAKLEY: Has it been brought under the notice of the Commander-in-Chief?

MR. F. MAULE: It has been brought under the notice of the Adjutant General.

Vote agreed to; as was also

(2.) 84,916*l.*, to complete Charge for General Staff Officers.

(3.) 46,684*l.*, to complete Charge for Public Military Departments.

COLONEL CHATTERTON said: I cannot avoid remarking upon the enormous and unjustifiable charges in the first page of this vote. I see clerks of every degree receiving more pay than General Officers in the Army. I do not wish, Sir, in the least to detract from the merits of those gentlemen, nor do I desire to have the smallest deduction made from the pay of the humblest of them. But when I see men of their class in life receiving more pay than officers of high rank in the Army, who have purchased their commissions—who are exposed to the casualties of war and the vicissitudes of climate, I cannot but exclaim against such injustice. In the second page of this vote, that department over which my right hon. and gallant Friend presides, and presides so ably, the salaries of this description of gentlemen are still more extravagant and unjust. Clerks receiving 1,200*l.* per annum—even those of the third class 300*l.* per annum—is, in my mind, quite uncalled for; and I trust, Sir, future estimates will show, at least, a reduction of one-third in this large amount.

MR. F. MAULE said, these gentlemen held very important offices. The department alluded to managed all the financial department of the Army, including an expenditure of six millions per annum. The men who managed it had risen through a long life, from the lowest offices; and they were well entitled to the salaries they received, and it would be a great injustice to attempt to reduce them.

Vote agreed to; as were also the two following:—

(4.) 8,895*l.*, to complete Charge for Royal Military College.

(5.) 9,657*l.*, to complete Charge for Royal Military Asylum.

(6.) Motion made, and Question proposed—

> "That a sum not exceeding 41,000*l.*, being part of a sum of 81,000*l.* (of which 40,000*l.* has been granted on account) be granted to Her Majesty, for defraying the Charge of Volunteer Corps, which will come in course of payment from the 1st day of April, 1850, to the 31st day of March, 1851, both days inclusive."

Mr. H. BERKELEY rose, pursuant to notice, to oppose the vote, the principal object of which was the maintenance of the yeomanry corps—a body alike inefficient in itself for any useful purpose, and unconstitutional in its tendency. He was aware how unpopular his opposition must be in an Assembly which numbered among its Members a full squadron of yeomanry officers, all bristling with yeomanic valour, and burning with squirarchal indignation that any one should dare to meddle with this pet toy of the landocracy and aristocracy—this mimicry of war; but he must fulfil what he considered to be a duty. He approached the subject in no spirit of hostility—[*ironical laughter*]—don't let hon. Gentlemen laugh before they know what they are laughing at—in no spirit of hostility to our regular Army. He had the highest respect for both of our glorious services; but he had none at all for what he considered a mere mockery of a service. He was not a member of the Peace Progress Society, he was not a member of the Financial Reform Society, although he respected the motives of his hon. Friends who were; he was not afflicted with anything in the nature of militaryphobia; he had no objection to a properly-constituted military force, but he had a decided objection to pay 81,000*l.* a year —and more than 81,000*l.*—for the Chancellor of the Exchequer was minus some 20,000*l.* every year from the evasion of horse duty by these yeomanry gentlemen, large numbers of whom drew the voluntary sword in order to get rid of the involuntary tax—to pay 100,000*l.* a year or a force which in no way answered its alleged purpose. He would show that the yeomanry never had adequately fulfilled the purpose for which they were established, looking to the past, and also how they threatened to fulfil that purpose, looking to the present and to the future. The first position he assumed was, that no armed force could be of any utility unless it was strictly amenable to discipline, the first rule of which is subordination; and it was because the yeomanry had for a long series of years been insubordinate, disobedient, and disorderly, and because they now avowed, and unblushingly boasted, of that pernicious habit, that he thought them utterly unworthy to be intrusted any longer with the guardianship of the public peace. He would beg the Committee to look back to the conduct of the yeomanry for the last thirty years, and he would invite their attention to the principal events in which the yeomanry had been engaged during that time. The first case to which he would ask their attention—the coronation of George IV.—was one which showed the pernicious habits of the yeomanry in reasoning upon their orders, instead of carrying them out. On that occasion, the Queen Consort had returned from the Continent, and threatened to take part in the ceremonies of the day. Great excitement prevailed in London; vast numbers of persons were congregated, and there was an evident disposition to riot and disorder. The military were called out, and with them the yeomanry. Among the regular troops called out was the brigade of Life Guards, which behaved then, as it always had done, with humanity blended with firmness. The yeomanry, however, behaved after their kind; they proceeded to reason upon their orders. They debated those orders, instead of carrying them out. The Queen, according to yeomanry reasoning, was an ill-used woman; so a fig for the Home Secretary and for the Horse Guards. The yeomanry were called out to keep the peace; and they did so by riding about and cheering for the Queen and Alderman Wood. Was it necessary that he should point out to the Committee the danger of such conduct, or the invidious position in which it placed the regular military, who did their duty silently and steadily? If he wished for an instance of the danger of such proceedings, he had only to refer to the case of the Bristol riots, when the conduct of Colonel Brereton and of the

Third Dragoon Guards, in mingling with the people, and cheering for "King William and Reform," produced the most disastrous results. [*Cries of* "Oh, oh!"] He mentioned the case of the Bristol riots merely as an instance of the effects of such conduct; but he had a word for the yeomanry on that score in good time. He would now call the attention of the Committee to an instance of yeomanry insubordination equally remarkable, but of a different nature. He referred to what was commonly called the "Manchester or Peterloo massacre," in 1819. That case afforded an instance of the impulsive character of yeomanry proceedings; it showed how completely their impulses were unchecked by discipline. On that occasion the yeomanry were called upon to disperse an unarmed mob of both sexes, among whom were a large number of children; and how far they exceeded their orders, and brutally slew men, women, and children, was matter of history. In this case, the orders given to the yeomanry were in perfect keeping with their feelings and inclinations; they were ordered to disperse a mob which had met to petition for reform of Parliament and for cheap bread; and the consequence was, that they threw into their onslaught the vengeance of prejudice and personal malignity. In both the cases he had mentioned, he thought it clear that the yeomanry had reasoned upon their orders, and that insubordination was the cause of both effects. At the coronation of George IV, the yeomanry were pleased to patronise the Queen, and they regarded the people as a well-disposed mob, who had the perfect confidence of the yeomanry warriors. In the Manchester riots the people were an ill-disposed mob, with designs on the yeomanry breeches pocket. He now came to the incendiary riots, known by the name of the "Swing riots." On that occasion the Lords Lieutenant of counties called out the yeomanry, but they could not get the yeomanry to come. [*Laughter, and cries of* "Where?"] Why, it was a general complaint throughout the country. At that time fire-raising was the order of the day, and every yeoman feared he might become a marked man; and the Lords Lieutenant reported to the Government the inefficiency of the yeomanry corps in the whole of the west of England. [*Shouts of* "Name, name!"] It was very well for hon. Gentlemen to attempt to stifle discussion, but he stated this as a matter of notoriety. He would remind the Committee that in 1837 and 1838 Lord Melbourne made a reduction of the yeomanry corps, and by so doing gave great umbrage to the yeomanry. He remembered that Lord Sondes threw up his commission, and invited the whole of his corps to disarm. Hon. Gentlemen had asked him to mention cases; they had cried "Name, name!" and he would give them enough of names before he had concluded. He would name cases where the yeomanry had behaved in the very worst possible manner, and where they had shown themselves to be inefficient, incapable, and disorderly. The opinion of almost all Lords Lieutenant with whom he had spoken was, that the yeomanry were useless as a constabulary, because they could not be brought to bear upon any given point on a sudden emergency. Why, they might carry a troop of Life Guards from London to Leicester in less time than it would take to assemble an effective troop of yeomanry in Leicester; and they might carry a couple of guns, with their attendant artillerymen, from Woolwich to Bristol, in less time than it would take to assemble an efficient body of yeomanry in Bristol; for an effective body of yeomanry could not be assembled in an averaged-sized county within forty-eight hours. The Lord Lieutenant of Gloucestershire, who was a great supporter of the yeomanry, and who raised a troop of his own, which he sent to the Duke of Beaufort's regiment, had stated that he could produce the staff of his own militia regiment, a handful of men accustomed to arms, conveying them in waggons, at any given point of the county, many hours before he could hope to see there an effective yeomanry force. He (Mr. Berkeley) would now show the Committee what the yeomanry were worth on an emergency. They all remembered the Bristol riots; and he thought hon. Gentlemen were not so ignorant of geography as not to be aware that Bristol was in two counties, Gloucestershire and Somersetshire, in both of which counties yeomanry abounded, and very finely-dressed gentlemen they were. They wore a vast deal of hair on their faces, and they looked desperately fierce. But Bristol was on fire for three days, and was, during that time, completely at the command of lawless men, while the yeomanry were of no more use than a set of old applewomen. What aid did Bristol receive, in her three days of dolour and distress, from the voluntary heroes of

Somersetshire? During that time about ten of the Somersetshire yeomanry marched into Bristol, and they were kindly locked up by the authorities to prevent the mob from harming them. That fact was stated in the *Bristol Gazette* of the 9th of May last. It appeared that a protectionist dinner was held at a place called Old Down, near Bristol, where a Mr. Colston, a magistrate, who seemed, according to the description of *Hudibras*, to have united the hero with the magistrate, "great in the seat, great in the saddle," boasted how he and the yeomanry cavalry of Somersetshire would serve an ill-disposed mob if they could only get Her Majesty's Government to back them, which meant, to be interpreted, that if Government would only pass corn laws, Mr. Colston and the Somersetshire yeomanry would sabre a little those who called out for "cheap bread." He invited any hon. Gentleman who belonged to the gallant yeomanry corps of Somersetshire to refute that statement, or to explain why, on the occasion referred to, the corps did not make its appearance. Well, then, a word for the voluntary heroes of Gloucestershire. He found it narrated that Captain Codrington having been sent for by the magistrates, appeared in Bristol, after some time, at the head of the Doddington and Marshfield troop of yeomanry; but the hon. Gentleman on that occasion, if he did not perform the part of Dunois, yet certainly performed the feat achieved by the King of France, who, they were told—

> "Marched up a hill, and then marched down
> again,"

for he marched into Bristol at the head of his troop, at the request of the magistrates, and he marched out again by the light of the Bristol fires. That was all the assistance the inhabitants of Bristol received in those three black days of fire-raising and robbery from the united heroes of Somersetshire and Gloucestershire; yet it was this species of force which the citizens of Bristol were to be required to pay for. But, though the people of Bristol might be called upon to contribute to the support of this force, they would not forget what old John Dryden said of such a band, in his day, that they were

> . . . "maintained at vast expense;
> In peace a charge—in war a weak defence.
> Stout, once a year, they march, a blustering band,
> And ever, but in time of need, at hand."

It might be said, however, on behalf of the yeomanry, that the Bristol magistrates were not to be found; that they acted as all such ancient and dignified Dogberries might be expected to act, before the Municipal Reform Act had weeded the corporations; they retired to their houses, locked their doors, barred their windows, and left the Recorder to scramble over the houses like a scared tom-cat. But if the excuse of the yeomanry for quitting the city was, that no magistrate could be found, such an excuse, instead of palliating, was an aggravation of their offence; for it had been laid down by Lord Mansfield, by Lord Ellenborough, and by Sir N. Tindal, and it had been also stated by General Dalbiac, that if a magistrate could not be found, it was the duty of the military to act for the protection of life and property, and to repel force by force. He (Mr. H. Berkeley) would give one more instance to show how the qualities of the soldier were developed by the yeomanry. He had been anxious to find instances where they had been under fire; and at last he had dropped upon one. He had heard rumours of a campaign in Glamorganshire, and he wrote to a gentleman who had the honour of holding a commission in the Life Guards, and who, subsequently retiring into the country, took a commission in the yeomanry—Mr. Franklyn, of Clementstone, near Bridgend, in Glamorganshire, a gentleman of the highest respectability. That gentleman had sent him the following particulars respecting the conduct of the yeomanry in the Merthyr riots in 1831:—

> "The corps consisted of three divisions, the eastern, central, and western, under the command of a country gentleman as major, since dead. These divisions were ordered to assemble, and march upon Merthyr. The western, or Swansea division, commanded by an old Peninsula officer, never reached Merthyr, having suffered themselves to be disarmed in a bloodless encounter with a mob on the road. A portion of the central division was hastily collected by me as lieutenant, and marched to Merthyr, where we found the major with the eastern division. The yeomanry, 100 strong, were ordered to march towards Brecon to escort some powder."

The letter went on to state that about two miles from Merthyr they arrived at a place on the steep side of a hill, where the road was found barricaded with huge heaps of stones, and the people on the height threatened to roll down stones on the troops if they did not retire—

> "After some delay the major gave the word—What word? To get off their horses and storm the barricade? or to outflank the barricade with a party, and take it in the rear? No; nothing of the sort, the major gave the word, 'Threes

> about, march,' whereupon the mob begun to fire, and the march instantly became a rout, which I in vain (said Mr. Franklyn) attempted to arrest by threatening to cut down the first man that passed me, and which, accordingly, I essayed to do, but the sword being blunt—[who would trust one of the yeomanry with a sharp sword?]—the man was merely knocked back on the crupper of his horse, and carried on with the rush of the crowd, who reached the barracks according to the respective speed of their horses."

This was a subject of joking and laughter at the public-houses in Merthyr to this day; and, considering the yeomanry dress, the short jacket scarcely reaching down to the *os sacrum*—they must have made a pretty display when they all turned tail together. Mr. Franklyn concluded—

> "This is the consequence which must necessarily arise from the attempt to make bad farmers into worse soldiers by a few days' drill—just sufficient to make man and horse uncomfortable—just sufficient to destroy the confidence of men individually; without giving the confidence of discipline to either man or horse. Humanity, policy, and economy forbid the employment of any other force than regulars against a mob."

Most true, and it was frightful to think of the consequences of the temporary success of an infuriated mob opposed to such a force as this. What would have been the consequence if, at the time of Frost's riot, Newport had been defended by a regiment of yeomanry instead of half a company of the 45th Foot? So much for the past glories of these warriors; and now for their present exploits. What were we told now? That unless certain public measures were carried, the yeomanry meant, to use their own expression, to fight for it; and that they would draw their swords when they pleased, and upon whom they placed, and when ordered to draw their swords they would keep them in their scabbards as long as they pleased. There was, for example, the boasted Protectionist meeting at the Crown and Anchor, with yeomanry delegates from all parts of the country—"the crafty and cruel Chowler," "the heroic Higgins," "the blustering and blatant Ball," "the audacious Allnutt"—and, though the froth of such scum might seem undeserving of notice, let it be remembered that this was countenanced by very different persons—there were seven great "Sachems" of the high council with their "medicine man," Richmond in the chair, and forty "braves" from the protectionist tribe in that House all joining in the war-whoop, all uniting in the war dance, in approbation of the sentiments, in honour of the threats, in confirmation of the intentions of these savage warriors. Turn to Yorkshire; there you have Mr. Ferrand, in his war paint, digging up the hatchet. Does he not tell us how his yeomanry once protected our trade, and would not do so any more? The contemptibility of the threateners was no excuse for our paying them out of the purse of the threatened—men who had a private "Horse Guards" of their own. His right hon. Friend the Secretary at War would perhaps say there must be some force to support the military. Then increase the civil force. Instead of a rabble of 300 or 400 yeomanry, never found when wanted, and when found of no use, why not have, in an averaged-sized county, twenty-four mounted police, on horses well broken and well bitted, not on things used to snaffle bridles and to lean upon gig collars—men who would not endanger their horses' ears by the use of their sabres. The magistrates and the people at large would have infinitely greater confidence in such a body than in treble the force of yeomanry. One word on the subject of discipline. All officers of experience of whom he had ever heard had stated the same opinion as Major Mackworth, who, when examined in the King's Bench, on the subject of the Bristol riots, said any commanding officer would prefer being without raw recruits entrusted with fire arms. Now, what could yeomanry cavalry be called but "raw recruits?" He cared not for what inspecting officers may say at the annual drills; their language on such occasions was what Marryat called, in one of his clever novels, "flap doodle," or stuff to feed fools on. They were sometimes told it took three years to make a soldier; and it was said, moreover, that a commanding officer inspecting a regiment could distinctly detect a trooper who had not been drilled with his horse for a year. But it was not cavalry officers alone who used this language, but distinguished infantry officers like his hon. and gallant Friend the Member for Frome. He found it stated that, at a festive meeting—

> "The hon. Colonel Boyle returned thanks for 'the Army.' He trusted the Army would not be reduced in numbers, for a soldier was not made in a day; he must be drilled and disciplined, and on that discipline often depended the fate of battles."

[Colonel BOYLE: Hear, hear!] He was glad to hear his hon. and gallant Friend cheer that sentiment. Perhaps that circumstance accounted for the fate of yeomanry battles. That motley rabble met once a year to have what they called "a drill"—a kind of military masquerade, a cavalry carnival—a crew composed of awkward bipeds mounted on raw quadrupeds; and then those experienced officers who talked of discipline reviewed them, and concluded the day by saying they had "inspected the finest corps of cavalry their eyes had ever seen go into a field." This was the language used to the gentlemen at inspections, but it was well known at the same time that almost every inspecting officer had his portfolio crammed with caricatures of "yeomanry at drill." In conclusion he submitted that he had shown that for years past the yeomanry had been insubordinate and useless. At the present moment they claimed for themselves the distinction of being disobedient and dangerous. Let the House, then, add what he had proved to what the yeomanry had confessed, and he thought they would have good grounds for doing what he proposed, which was, that they should reject this vote.

Mr. F. MAULE said, he must confess that at that period of the Session, and at that hour of the night, he was sorry that his hon. Friend who had just sat down had occupied so long a time in calling upon them to reject a vote which he (Mr. F. Maule) should not have proposed for their adoption had he not felt that it was for the support of a force which he believed to be in itself a good and a constitutional force. His hon. Friend had stated that he had shown that this force had for a long series of years been insubordinate and unamenable to discipline, and that it possessed every quality which would make it unfit and inefficient as a military force. His hon. Friend had gone through the long period which transpired between the year 1831 and the present time, and had quoted three instances during that time in which, according to his own showing, the yeomanry force had failed to do their duty as it would have been expected to have been done. He (Mr. F. Maule) thought that he knew a little more of the habits and practices of the yeomanry than his hon. Friend did, for he had had the honour of holding the office of Under Secretary of State for six years, during which time the yeomanry force claimed his most particular attention. He was then made aware of the character and state of efficiency of every corps, and of the reports to the Commander-in-Chief of the inefficiency and efficiency of each respectively. The House must be aware that every corps of yeomanry was inspected, with very few exceptions, after it had been called upon to do permanent duty, once every year; and nothing was more usual than that after these inspections the officer bearing Her Majesty's commission, who held the inspection, should feel himself called upon to compliment each corps on their appearance; but that officer had another duty to perform, one which on his honour he was bound to fulfil, and which was of a sacred and a serious character. He had to report confidentially to the Commander-in-Chief as to the discipline of the regiment which he inspected, and never in the course of his own experience, or that of any body else that he knew, was a report made which showed that any corps was deficient in discipline, or deficient in anything that should constitute a defence to the country if it were wanted, and that that report was unnoticed or passed over. The hon. Gentleman stated that Lord Melbourne felt that these corps were in some degree inefficient, and made a reduction in them. His hon. Friend would allow him to state that in that respect he was wrong, for Lord Melbourne increased the corps of yeomanry. When a reduction took place in the years 1837 and 1838, it was made entirely from a financial consideration, and not from any consideration on the part of his noble Friend, that the yeomanry were unfit in point of character and efficiency. He maintained that the character of the yeomanry of England was one which, in point of honour and of zeal, was not to be too highly valued. He did not suppose that there were many gentlemen in this country who, because some men such as those whom they had heard of at the Crown and Anchor, and who had come there to talk wildly and absurdly of what they would do, or would abstain from doing, would for one moment suppose that the opinions which they gave expression to were the opinions of the great body of yeomanry generally. He did not believe that he had seen any public meeting on any political subject where men had not been carried away by their feelings for the moment, and had not given expression to words of very little meaning, and were not listened to by men who were thoroughly unable to give a proper interpretation to them. He was not going to attach any weight to anything that might have been said at the Crown and Anchor, nor did he mean to attach any blame to those who would not withhold these expressions, because they could not. He was quite certain that whenever the yeomanry were called upon to do their duty, they would do it as faithfully and as readily as they always had done it. The hon. Gentleman, howevor, quoted three instances, in which he stated that they failed to do good service. Now he would give him one instance of their conduct on an occasion which took place in his own country, in the county of Stirling, when the troops were at the time scarce and scanty. Were it not for their assistance on that occasion, great loss of property and life would have occurred. The service which had been rendered by the regiment of yeomanry in that county was acknowledged by the commanding officer of the regular troops and by the commanding officer in Scotland, and to this day it was remembered by the inhabitants with the deepest gratitude. Similar services had been rendered by the yeomanry all over the country at times of disturbance. It was not so much that the yeomanry were not called out to enter into conflict with mobs, but it was the knowledge that the yeomanry corps were in reserve to protect the localities in which they were placed, and that, on that account, the troops of the line could be removed to other places to suppress disturbance, that they occasioned the security of life and property. Small bodies of yeomanry isolated and little likely to be of service had been reduced; but the large regiments had been maintained in the populous districts, where they were more numerous, and could be assembled in numbers sufficient to give good service and conduce to the safety of the whole body. He could say, from the reports which had been made by the officers who inspected the yeomanry, that if they did away with them now, at a time when they were accused of leaving the country in an almost defenceless state, they would do away with a force which kept peace in the country, and cost them only the trifling sum which he had asked. He thought that he need say no more to induce them to agree to the vote, which was for the maintenance of a body of men who were ready to do again what they had already done if they had the misfortune to require it.

COLONEL REID said, that the hon. Gentleman the Member for Bristol held an opinion of the yeomanry force diametrically opposed to his own. The hon. Gentleman had complained of the inadequacy, incapacity, and insubordination of the body. He, on the contrary, thought those corps immensely valuable to the State, both physically and morally, and eminently qualified to perform all the duties that could be required of them; and that was not a mere theoretical opinion, but was founded on practical experience and observation. When he had had the honour of commanding the Household Brigade, he had been employed from time to time in inspecting these corps, and had consequently enjoyed good opportunities of forming a just estimate of their value and efficiency. Two or three years ago he had inspected a corps in Hampshire, commanded by the right hon. Gentleman the Speaker, under whose able command they all were in that House, and he had seen the right hon. Gentleman at the head of a most soldierlike body of 200 or 300 men, putting them in the most excellent style through a number of well-selected manœuvres, such as were likely to be of real use on service. One combination was so good that he never afterwards had a field-day of his own regiment that he not adopted it. He had had the pleasure and satisfaction of seeing the officers and men under his command going through those manœuvres with the most surprising precision, regularity, and compactness. The corps was composed of materials of the most desirable kind of farmers and tradesmen of a superior description, all mounted on their own horses, and equipped and appointed in the most soldierlike way; and he left the field with the conviction that they were eminently fit for any duty for which they might be called on, and he staked his reputation as a soldier that if they were in the same state as when he saw them, and were called on to quell any riot, even though the rioters were thirty times their number, they would very soon have routed and dispersed them. He could safely affirm that, with, at most, one or two exceptions, he had found all these corps in a state of efficiency. Regarding the question of expense, it must be admitted that the yeomanry corps was the cheapest description of force the State could maintain. The yeomanry corps, numbering 13,500 men, cost the country, if they were not called out, 45,000*l.* a year; and if they were called out, the expense did not exceed 81,000*l.* Compare this with the cost of regular cavalry. A regiment of cavalry consisted of 400 men, but only 271 horses, of which not more than 250 were really effective. The cost of the regiment was

17,777*l.* per annum. If hon. Gentlemen would enter into a calculation, they would find that 1,140 mounted regular cavalry cost more than 13,500 yeomanry. It should be borne in mind, too, that these 13,500 men were liable to be called on for service at any moment in the course of the year. The hon. Member for Bristol said that when the yeomanry were wanted, it was impossible to get them together for several days; but he (Colonel Reid) knew, from experience, that the case was otherwise. During the Chartist riots the Buckinghamshire yeomanry were called out to replace the troops quartered at Windsor and other places. The Buckinghamshire yeomanry, consisting of 600 men, assembled in less than four hours; and not more than twenty men were absent on the occasion. The hon. Member for Bristol had read for the amusement of the House a letter written by an officer who was in the same regiment with him (Colonel Reid) some years ago. That gentleman was not a military authority, having served only a short time, and being possessed of very limited experience. No doubt there might be cases of inefficiency; but whenever inefficiency was clearly established against a corps, it was the duty of the Home Secretary to disband it. It was, however, necessary to proceed in such a matter with more caution and discrimination than a Whig Government had sometimes exercised. When the right hon. Secretary at War was Under Secretary of State, he (Colonel Reid) was employed to inspect the Berkshire yeomanry corps. There were four corps, and he inspected three of them. The fourth corps, which was commanded by a gallant Admiral—one of the Lords of the Admiralty—was not inspected. Of the three corps inspected by him, one was commanded by Lord Barrington, one of the Members for Berkshire, and another by a country gentleman universally respected. It was gratifying to him to be able to compliment the commanders of those corps, in the field, on their efficiency; and he reported them favourably to the Commander-in-Chief. Of the third corps, which he would not name, he was unfortunately obliged to report unfavourably. Between the period of inspection and the meeting of Parliament, the whole of the three corps were disbanded, and when Parliament assembled Lord Barrington asked in his place on what grounds that proceeding had been adopted? and the right hon. Secretary at War, then Under Secretary for the Home Department, said it was in consequence of the unfavourable report made by the inspecting officer, Colonel Reid. Now, it should be borne in mind that this report was confidential. Was it fairt o place him in such a situation? From that moment up to the present hour, he believed the two gentlemen who commanded the regiment of which he reported favourably, entertained great doubt as to his candour. He told them in the field that their regiments were in a state of efficiency; and the Under Secretary for the Home Department stated in that House that they were disdanded in consequence of his having reported them inefficient. The fourth Bershire yeomanry corps, commanded by a gallant admiral, was retained, That regiment was not inspected at all. [Admiral DUNDAS: Yes, it was.] Not that year. He dared to say that the regiment was in excellent order, but it could not have been in a state of greater efficiency than those which were disbanded. It appeared to him that, in the case in question, neither the yeomanry corps nor the inspecting officer had received fair treatment from the Government. It was his misfortune to differ from the country party on several important points, but nevertheless, he held that great party in the highest estimation and respect. He believed that the country gentlemen and the yeomanry formed the most respectable portion of the British community. Their character stood too high to be injured by the calumnies which had been directed against them. Did the hon. Member for Bristol really suppose that because some persons at a public meeting had uttered intemperate language, the great country party would relax in the discharge of their duty? For his part, he believed that if the yeomanry should be called out to quell disturbances, they would be only the more anxious to prove that they were animated by the same loyal feelings which had ever characterised them.

COLONEL CHATTERTON: Sir, it is not my intention to follow the hon. Gentleman the Member for Bristol through his tirade of invective and jest with which he has entertained the House; but as he has undoubtedly alluded to me as an Inspecting Officer, I must beg to offer a few remarks, and I think I should be undeserving of a seat in this House if I permitted any aspersion for a moment to be cast upon such an admirable, loyal, and efficient a body as the Yeomanry Cavalry of Great

Britain to pass without remark; and I cannot suppress my astonishment that any hon. Member of this House could have the hardihood to express anything but to their praise and honour. I trust I shall not be thought intrusive in my addressing the House, but I hope to remove such an impression when I say I have had the honour of serving in the Cavalry at home and abroad for nearly forty years, and having been employed in inspecting Yeomanry Cavalry sixty-five times, I think the Committee will give me some credit for a knowledge of their formation, equipment, and efficiency. Sir, hon. Members are not aware of the great annoyances yeomanry are subject to during their period of drill and exercise, often to great pecuniary loss; but all those inconveniences, all those losses, are forgotten in the anxiety and zeal evinced by them to become acquainted with sufficient military discipline to render them useful should their Queen and country require their services, and show that loyalty and attachment to the Sovereign and institutions of the country and their officers. But how can they be otherwise than loyal and attached when they are so commanded? Have we not in this House the beloved and revered great authority in law, laying aside that judicial robe which he so much honours, periodically assuming the military costume, and adorning both professions as an accomplished soldier and enlightened statesman? Have we not in another place a noble Friend of mine, commanding the excellent corps the Yorkshire Hussars, whose enviable privilege is to excel in everything he undertakes? Have we not another noble Friend of the highest rank in the Peerage, after gallantly serving his country in the Army, reposing upon his well-earned laurels, and now commanding that admirable corps the Gloucestershire? Have we not other men holding exalted rank in the Peerage, commanding the Cheshire, the Lancashire, South Salopian, Royal Bucks, Taplow, North Devon, South Herts, Lanark, West Kent, Oxford, West York, Wilts, &c.? Have we not, Sir, in this House noble Lords and hon. Gentlemen commanding and serving in yeomanry corps, the enumeration of whose names the impatience of the House prevents me from naming, but many of whom I see around me? And, Sir, such are the men—such are the officers the hon. Member would endeavour to calumniate and designate as useless; but, happily, Sir, his opinions on military subjects can have little weight in this House. I have endeavoured to give my opinion of the yeomanry of Great Britain—an opinion not partially or casually formed, but founded on experience and actual observation, as will be seen by my confidential reports in possession of Her Majesty's Government—of a force unique in establishment, devotion in loyalty, and efficient in promotion.

Mr. B. OSBORNE did not rise either to make an attack on the great country party, for whom he entertained much respect, or to eulogise the Government. He thought the speech of his hon. Friend the Member for Bristol would have been more judicious had he not raked up the Bristol riots, which ought to have been forgotten. But, on the other hand, the speech of the hon. and gallant Member for Windsor, if it proved anything, proved too much; for it went to show that a yeomanry corps, with seven days' drill, are quite equal to a regular corps. Nay, they were even told that the yeomanry were so admirably manœuvred, that the inspecting officer himself adopted a manœuvre which he had witnessed. The hon. and gallant Member's argument, if it were good for anything, was in favour of reducing the Army, and setting up a cheap yeomanry establishment. He dissented from that argument; regarding one troop of regular dragoons as at least equal to two regiments of yeomanry cavalry. He rose chiefly for the purpose of making an observation with regard to the yeomanry dress. In the reign of William IV., he believed, a general order was issued, establishing the distinction of gold and silver lace for the regular force, and the yeomanry cavalry respectively; but he now saw yeomanry officers at levees and fancy balls arrayed in the most extraordinary costume. He had seen one commander of a yeomanry regiment in a dress which made him look more like a foreign potentate than an English soldier. It must be very galling to officers of the regular force to see gentlemen who were called out for only seven days arrayed in these dresses, and styled captains and colonels. He wished to ask his right hon. Friend the Secretary at War, why the general order to which he had referred had not been carried out—in other words, why these yeomanry gentlemen were allowed to array themselves in the same uniform as Her Majesty's regular troops?

Mr. F. MAULE was not aware of the issuing of any general order with respect to the yeomanry. There had been one issued with respect to the militia, under which lord-lieutenants and deputy-lieutenants were required to wear silver instead of gold lace.

Mr. BASS said, that after thirty years' service in the regiment of yeomanry to which he had the honour to belong, his experience led him to the conclusion that the yeomanry corps did not deserve the opprobrium which had been cast upon them by the hon. Gentleman the Member for Bristol. The instances to which the hon. Gentleman had referred were, he thought, more disparaging to Her Majesty's troops than to these corps. The hon. Gentleman had also said there was great delay in getting the men together; but it had happened to him (Mr. Bass) to be called out on many occasions, and he had known his regiment summoned at seven o'clock in the evening, and to have marched into Derby before eleven o'clock the same night; and they had afterwards the satisfaction of receiving the thanks of the magistrates for their services. In 1842, when at a great distance from home, he had been ordered to attend in his county, and his regiment, which consisted principally of farmers to the number of 600 men, cheerfully left their own labours, though it was in the middle of harvest-time, and served for three weeks. The only advantage he had ever had from belonging to a yeomanry corps was to spend 1,500*l.* of his own money, for he had never received 1*s.* pay in his life. If his corps deserved one-hundredth part of the opprobrium the hon. Member for Bristol had lavished upon the yeomanry in general, he (Mr. Bass) should feel it a disgrace to belong to it; but it did not deserve that opprobrium, and he hoped that until he had a son ready to succeed him, he should be allowed to remain in it.

Mr. HUME thought the country had no right to expect from any man sacrifices such as those made by the hon. Member who had last addressed the House. The reasons why he objected to the force were, that they were not placed under military law, and had not time for practice sufficient to make them steady soldiers when upon service. He believed that twenty troops of forty men each of the regular army would do more to preserve the peace than the whole of the yeomanry force of the country. If free trade continued, and wheat remained at 40*s.*, the yeomen of England would have other business to attend to, and the young men would have to attend to other business than that of learning their military exercise.

Mr. F. MAULE said, that the hon. Member for Montrose was under a mistake in supposing that the yeomanry, when on duty, were not under the Mutiny Act in the same manner as regular troops, who were in the receipt of pay.

Mr. CLIVE bore testimony to the valuable services of the yeomanry corps, particularly to those of the regiment with which he was connected.

Mr. EDWARDS: I much regret having to say anything at this late hour of the night, when the House is so anxious to divide, especially after so much has been said upon the question, and would rather have given a silent vote; but after the unwarrantable attack upon the yeomanry generally by the hon. Member for Bristol, and in vindication of the regiment to which I have the honour to belong, I feel called upon to state a few facts that have come within my own personal knowledge. There are few Members of Parliament representing constituencies in the north of England who will not remember the riots of 1842, when the whole of the manufacturing districts were in a state of disaffection bordering on rebellion, and most alarming disturbances took place, calculated to spread terror amongst Her Majesty's loyal subjects, owing to immense mobs having collected from all parts of Yorkshire and Lancashire, and uniting in Halifax; and the authorities no sooner became aware of their intentions, than a despatch was sent off for a reinforcement of troops to Bradford, Leeds, Manchester, and other places. Every application was refused; not a single soldier could be spared, nor was it possible to procure even a file of men from either of the two Yorkshire yeomanry corps. These fine old regiments, consisting together of nearly 1,000 men, so highly prized and so justly esteemed throughout the county for the valuable services they have so often rendered during the last century, were employed in their respective districts in aid of the civil power. The town of Halifax for two days was a scene of the greatest confusion, and appeared to be in the power of the rioters. At length they came in collision with the military; half a troop of the 11th Hussars and two companies of the 61st Regiment being the only troops quartered in the town. A battle was fought, and blood was spilt on both sides before they could clear the town.

After these disturbances had subsided, the inhabitants thought it necessary to provide, if possible, for the protection of life and property in the district; and as no reliance could be placed upon a sufficient supply of Her Majesty's troops on any emergency, the regiment to which I have the pride and pleasure to belong, was immediately raised, and in the autumn of 1847 we were on duty for thirteen or fourteen days, and for the services we then rendered we received the thanks of our Lord Lieutenant, and the approbation of the Government through the Secretary for the Home Department. The hon. Member for Bristol has stated, I believe, that it required forty-eight hours to assemble a regiment of yeomanry; and I will here mention a fact I consider a sufficient answer to such a statement. On the occasion above alluded to, our orders to march to Bradford arrived shortly before midnight, and although the Halifax squadron consisted at that time of 110 men only, and was dispersed over an area of four or five miles, more than 100 men marched out of the town before eight o'clock the following morning. I contend that the moral effect produced by the existence of 250 men, in this the most populous district of England, and forming a cordon of defence for one of the great passes between Yorkshire and Lancashire, ready and willing at all times to assist in enforcing order and supporting the authority of the Crown, is sufficient to disarm disaffection. As to the trumpery matter of expense, I think the Committee will scorn to take it into consideration.

Mr. NEWDEGATE trusted that, when the hon. Member for Bristol should again be about to make so unpopular a proposition as that which he had made to-night, accompanied, as it was, by an attack on the protectionist Members, he would not select that (the protectionist) side of the House to make it.

Mr. H. BERKELEY believed the hon. Member for North Warwickshire commanded a force somewhere in the neighbourhood of Uxbridge. [Mr. NEWDEGATE: I do not.] At all events, the hon. Member belonged to that distinguished corps to which he had alluded, and which was commonly known in the country by the name of the "mournful and dangerous." He had been told lately of some half-dozen of them marching through Uxbridge with umbrellas over their heads. As regarded his (Mr. Berkeley's) selecting his seat on the Opposition side of the House, that, he presumed, depended upon his own feelings, without the necessity of consulting the hon. Gentleman. But if the hon. Gentleman wished to know why he addressed the House from those benches rather than from the other side, which he should very much prefer, he begged to say that, from having a physical infirmity, he found it convenient to rest upon the table while speaking. With respect to the magistracy of Bristol, he hoped the present gentlemen who held the commission in that city would not be confounded with the past. The town of Bristol was now as perfectly safe from the threats of an ill-disposed mob as it would be from an ill-disposed yeomanry.

Mr. HENLEY said, that as the hon. Gentleman had chosen, by inference, to cast an imputation against a set of what he called unreformed magistrates, it would have been but common justice if he had stated that those gentlemen were brought to trial in the county of Berks, and acquitted.

Mr. NEWDEGATE said, that it was the last thing he should have thought of, to make any observation as to which side of the House it might be convenient for the hon. Gentleman to address the Committee; but he could not help feeling that, as the hon. Gentleman had indulged in language not highly complimentary to those around him, he (Mr. Newdegate) might be excused for having adverted to the circumstance. As to the "mournful and dangerous troop," he would not stop to inquire in what purlieus of Uxbridge the hon. Gentleman had picked up that name.

The Committee divided: Ayes 147; Noes 25: Majority 122.

Vote agreed to; as were the following:—

(7.) 8,112., to complete Charge for Rewards for Distinguished Services.

(8.) 29,000*l*., to complete Charge for Army Pay of General Officers.

(9.) 27,500*l*., to complete Charge for Full Pay for Retired Officers.

(10.) 196,000*l*., to complete Charge for Half Pay and Military Allowances.

(11.) 21,200*l*., to complete Charge for Foreign Half Pay.

(12.) 63,536*l*., to complete Charge for Widows' Pensions.

(13.) 46,000*l*., to complete Charge for Compassionate List.

(14.) 18,756*l*., to complete Charge for In-Pensioners of Chelsea and Kilmainham Hospitals.

(15.) 633,711*l.*, to complete Charge for Out-Pensions.

(16.) 20,000*l.*, to complete Charge for Superannuation Allowances.

House resumed.

Resolutions to be reported on Monday next.

POOR RELIEF BILL.

Order for Third Reading read.

Bill read 3°.

Sir W. JOLLIFFE moved the insertion of the following clause:—

"And whereas, by the aforesaid Acts hereby proposed to be continued, the relief, maintenance, and burial of poor persons therein described is made a charge upon the common fund of the union in which such person shall reside; and whereas it is expedient that such poor persons should be subject to all the provisions of the aforesaid Acts, so long as they shall continue to reside in the said union: be it therefore enacted, that the residence of such poor persons within any union to which they may become chargeable, shall be of equal and the same effect as if such persons had continued to reside within any single parish comprised in such union."

Clause brought up, and read 1°.

Mr. BAINES said, that the change proposed to be made by the hon. Baronet was one of so much importance to the whole poor-law system that it could not with propriety be introduced at so late a period of the Session. The subject of the present clause had better be reserved until the whole question of settlement came before the House.

Motion made, and Question, "That the said Clause be now read a Second Time," put, and negatived.

Clause added.

Bill passed.

BENEFICES IN PLURALITY BILL.

On the Motion, that the Lords' Amendments to this Bill be agreed to,

Mr. GLADSTONE said, the Lords had made an alteration in the Bill as to the value of benefices that might be held in plurality; but in that alteration he saw nothing objectionable. With regard to the contiguity of benefices, however, they had made a change of which he did not approve. Instead of the arrangement agreed to in that House, the Lords had made it necessary only that the churches of two contiguous parishes held in plurality should not be more than three miles distant from each other. This he considered fatal to unity of charge; and therefore he would move the reinsertion of the words containing the principle of contiguity.

Mr. FREWEN hoped the right hon. Gentleman would not press his Amendment. Much consideration had been given to the subject by the Bishops in the other House.

Committee appointed, "to draw up Reasons to be offered to the Lords at a Conference for disagreeing to the said Amendments"—Mr. Frewen, the Attorney General, Mr. Sotheron, Mr. Gladstone, Mr. Nicholl, Mr. Sidney Herbert, and Mr. Stafford. Three to be the quorum.

The House adjourned at Two o'clock till Monday next.

HOUSE OF LORDS,

Saturday, July 27, 1850.

Their Lordships met, and having gone through the business on the Paper,

The House adjourned to Monday next.

HOUSE OF LORDS,

Monday, July 29, 1850.

Minutes.] Public Bills.—Poor Relief; Cruelty to Animals (Scotland); Charitable Trusts; Fisheries; Summary Jurisdiction (Ireland); Small Tenements Rating; General Board of Health (No. 2).

2ª Bills of Exchange.

Reported. — Highway Rates; Turnpike Acts Continuance, &c.; Canterbury Settlement Lands; Borough Courts of Record.

Royal Assent.—Court of Session (Scotland); Larceny Summary Jurisdiction; Upton cum Chalvey Marriages Validity; Naval Prize Balance; Convict Prisons; Population (Ireland); Linen, &c., Manufactures (Ireland); Incorporation of Boroughs Confirmation (No. 2); Loan Societies; Ecclesiastical Jurisdiction; Militia Ballots Suspension; Court of Chancery (County Palatine of Lancaster); Manchester Rectory Division; Court of Exchequer (Ireland); Militia Pay; Stock in Trade.

BILLS OF EXCHANGE BILL.

Lord EDDISBURY moved the Second Reading of this Bill.

Lord MONTEAGLE thought it ought to be a permanent and not a temporary measure.

Lord BROUGHAM was of the same opinion.

The Marquess of LANSDOWNE would have preferred a permanent measure, which would give facilities to the landed proprietors for raising money on their estates more easily and more cheaply; but as this

Bill had come up from the Commons, he did not wish to interfere with it.

Bill read 2ª.

MESSAGE FROM THE QUEEN.

The Marquess of LANSDOWNE read a Message from Her Majesty, That Her Majesty being desirous that the house called Marlborough House should be secured to His Royal Highness Albert Edward, Prince of Wales, after he shall have attained the age of eighteen years, during the joint lives of Her Majesty and His said Royal Highness, recommends it to the House of Lords to concur in enabling Her Majesty to grant and settle the same in such manner, and with such provisions, as will most effectually accomplish the said purpose.

Ordered to be considered To-morrow.

LOSS OF THE SHIP "HEMISPHERE."

The Earl of MOUNTCASHELL wished to put a question to the noble Earl the Secretary for the Colonies, respecting an unfortunate occurrence which had happened, at the beginning of last month, to a passenger-vessel called the *Hemisphere*, with 400 or 500 passengers on board. The vessel had commenced her voyage to New York, when a sudden lurch took place in a gale of wind, the masts went overboard, and several sailors were thereby washed overboard and drowned, while others were severely injured and killed. She was fortunately met by a steamer, which towed her into the port of Liverpool. A sailor, whose arm was entangled in the rigging, and was broken, was said to have had that limb cut off by a surgeon on board, with a common carving-knife, just as a butcher would cut off a leg of mutton. The arm afterwards mortified, and the man died. A coroner's inquest was subsequently held on his body, and a verdict of "Accidental death" was returned. Now, the Passenger Act provided that there should be a competent surgeon on board of all vessels carrying a certain number of passengers. He thought it likely that the noble Earl would say, in reply to him, that this vessel was an American vessel, and that therefore the master was exonerated from carrying a surgeon, as he would have been compelled to do, had it been an English vessel. What he wanted to know was, whether the noble Earl had received any information as to this very serious occurrence, or whether he would have any objection to his moving that the evidence taken at the inquest held on the body of the sailor should be laid on their Lordships' table?

Earl GREY said, he had received the report of the Commissioners of Emigration with reference to the case alluded to by the noble Earl. The fact was, that until lately it was not required that passenger ships should carry a surgeon; but in the Passenger Act it was provided, that in cases where the passengers exceeded a certain number, and where, consequently, the risk of sickness would be greater, a surgeon should go out with the vessel. There was, however, a clause in the Bill which enacted, that wherever the space allotted to each passenger should exceed fourteen superficial feet, the presence of a medical officer might be dispensed with. Now, every emigrant ship entering New York was bound by the laws of that State to have that space for each passenger, and consequently with ships bound thither the statute was a dead letter. The case alluded to by the noble Earl was that of the ship *Hemisphere*, a remarkably fine vessel. She was not bound by law to have a surgeon, nor had she one on board as such. In consequence of the inclemency of the weather, one sailor met with a dreadful accident, his arm being broken in such a manner as, perhaps, to render its restoration impossible. A gentleman happened to be on board who had a diploma, but no instruments, and the arm being held by only a small piece of flesh, he severed it from the seaman's body, in the hopes of affording him some temporary relief from pain. He (Earl Grey) believed that the operation did afford the poor man some temporary relief, although he ultimately sank under the accident and died. Such being the state of the facts, and the ship not being compelled by law to carry a surgeon, he did not think it a case for Government interference.

The Earl of MOUNTCASHELL read an extract from a Liverpool paper, the purport of which was, that the gentleman alluded to had been shipped by the owners of the vessel as a surgeon, and that it was understood he was to give his professional assistance when necessary.

Earl GREY said, that the owners did not conceive themselves bound to send out a surgeon with the vessel; but as this gentlemen had applied for a passage, his professional skill was taken advantage of in the case of the accident. Besides, the accident happened to a sailor, and not to a passenger, and might, therefore, have occurred on board any other than an emigrant ship. If the noble Earl liked to move for an address for the Emigration Commissioners' report, he (Earl Grey) should have great pleasure in supporting the Motion.

The EARL of MOUNTCASHELL adopted the suggestion of the noble Earl, and the Motion was agreed to.

LEASEHOLD TENURE OF LAND (IRELAND) BILL.

Order of the Day for resuming the Adjourned Debate on the Amendment moved on the Third Reading of the above Bill, read.

The LORD CHANCELLOR moved the insertion of a proviso to the effect that compensation should be given to head landlords in reversion, who should convert leases in perpetuity into fee-simple, not exceeding one year and a half of the rent.

LORD REDESDALE suggested, as an Amendment, that the difference between the value of the lease in perpetuity and of the fee-simple subject to a fee-farm rent, should be deemed the loss for which the owner of the reversion should be entitled to compensation.

The EARL of WICKLOW objected to the maximum of compensation proposed by the Lord Chancellor as insufficient.

LORD MONTEAGLE suggested the insertion of the words, "Leases of lives renewable for ever." He said, that the original intention of the Act had been to meet the case of such tenures, and that, strangely enough, they had been omitted altogether.

The EARL of MOUNTCASHELL said, that the Lord Chancellor's compensation proviso would operate very unequally. Its effect in Ulster, where land had but slightly depreciated in value, would be widely different from its operation in Connaught, where the value had become almost nominal.

LORD BEAUMONT said, the proper course would have been to repeal the Act of last Session, which was unjust as it now stood; but, instead of that, a declaratory Bill had been introduced for the purpose of explaining away the injustice. He opposed the proviso as unjust to the lessor, and would prefer the Act as it stood at present to any amended Bill.

The LORD CHANCELLOR said, that he had understood the difference of opinion which had arisen among noble Lords on the subject of this Bill to have reference to the amount of compensation to be given to lessors, and he had therefore had interviews with noble Lords, to see whether a compromise could not be come to. It did not appear to him that the Bill was as clearly worded as it might have been, but still it would not do to alter it more than was absolutely necessary. He had, therefore, confined his attention to one point—namely, to protect tenants from being called on to pay more for their fee-simples than they ought to pay. He had heard that demands would probably be made by landlords in proportion to their supposed powers of litigation, and had attempted to put the matter out of dispute by adopting the proviso before the House. He looked upon the object of the present Bill to be merely to amend the Act of last Session in one particular feature, and that where it did not alter, the former measure was to be the rule of proceeding. He should not follow noble Lords in reopening the general question. On the 5th clause a difference had arisen in consequence of the Bill having proposed that the value of an estate should be ascertained at the time of the last renewal of the lease. That was objected to, and he proposed, as an Amendment, that such compensation should be made and given by an increase in the amount of the fee-farm rent equivalent to the value of the amount of such leases. He also moved to insert a clause to the effect that the difference in value between the reversionary interest and the fee-farm rent might be compensated for by a proportionate increase in the fee-farm rent to be reserved.

Amendment agreed to.

Bill passed, and sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 29, 1850.

MINUTES.] PUBLIC BILLS.—1^a General Practitioners.

2^a Duke of Cambridge's, &c., Annuity; Commons Inclosure (No. 2); Grand Jury Cess (Ireland); Assizes (Ireland); Fees (Court of Common Pleas) (No. 2).

Reported.—Trustee.

3^a Mercantile Marine (No. 2); Navy Pay; Public Libraries and Museums.

OATHS OF JEWISH MEMBERS—BARON DE ROTHSCHILD—ADJOURNED DEBATE.

On the Clerk proceeding to read the Order of the Day for resuming the Adjourned Debate on Sir R. Inglis's Motion, with reference to the request of Baron Lionel Nathan de Rothschild to be sworn on the Old Testament,

MR. HENLEY said: Before the Order of the Day for the adjourned debate is read, I wish, Mr. Speaker, to ask you this question — whether, to give a proper *locus standi* for the discussion of the important question which is about to be raised by the Amendment put upon the notices by the hon. and gallant Member for Middlesex, it would not be expedient that some further question should be put to Baron de Rothschild, one of the hon. Members for the city of London, in order to get upon the records of the House the fact that to take the oath in the way he has requested—the only answer he has yet made being, that he requests to be sworn upon the Old Testament—is binding upon his conscience, and the reason why he requires so to take it? I think that, simply to give order to our proceedings, we should do this. The Amendment of the hon. and gallant Member for Middlesex admits the proposition that it is binding upon his conscience, but we have it not upon record; therefore, it seems to me it would give greater regularity to our proceedings to have the answer from Baron de Rothschild himself. I wish, therefore, Mr. Speaker, to know from you, if it is open for any hon. Member to make a Motion to this effect before the debate upon the question comes on?

Mr. SPEAKER: The Amendment is upon the Order of the Day. The only record upon the Journals of the House is, that Baron de Rothschild came to the table, and when asked that which is the usual question, he said, "I demand to be sworn upon the Old Testament." Of course, that being a novel claim, it could not be admitted without the assent of the House; and I requested the hon. Member to withdraw. With regard to the question now put to me, I do not think, unless it has the full consent of the House, it is desirable to put the question to Baron de Rothschild which has been suggested. Of course it may be put; but otherwise, according to our regular and ordinary rules, we must proceed with the discussion of the Order of the Day.

MR. W. P. WOOD: I apprehend that the only possible question to be put to Baron de Rothschild is, whether or not he considers an oath so taken in form binding upon his conscience? That question, I apprehend, might be properly put; and I cannot suppose that he would have any objection to answer it. If he has, it would be for him to state it.

MR. SCOTT: I wish to ask a preliminary question. It fell from you, Sir, that the oath could not be put to the hon. Member upon the Old Testament, without a decision of the House to that effect. Now, I wish to know whether, if the decision of the House be to the effect that he should be sworn upon the Old Testament, he could not then take his seat in this House, as a Member of this House, entitled to vote upon all questions? If that were so, it would, I think, obviate the necessity of any Bill being introduced into Parliament.

MR. SPEAKER: In answer to the question of the hon. Member for Berwickshire, he will see at once that there are two questions—first, the form of swearing, and the other as to the oath to be taken. With regard to the form of swearing, if the House should decide that the hon. Member for the city of London be sworn upon the Old Testament, of course it would be my duty to call him to the table to be sworn; but then comes the other question, whether he would take the oaths that are prescribed by the Act of Parliament.

SIR G. GREY: The suggestion, as I understand it, is, that Baron de Rothschild be called in, and asked whether, having asked to be sworn upon the Old Testament, he admits that to be the form of oath most binding upon his conscience? The hon. and learned Member for Oxford, as I understand, has no objection to that course. But, of course, it is for Baron de Rothschild to answer or not, as he thinks fit. I understand from you, Sir, that if the House concurs in the propriety of that course, there can be no objection to its being adopted. No objection being made, it appears to me that the best course would be to move that Baron de Rothschild be called in, and the question asked from him.

MR. HENLEY: My only object is to get something formally upon the records of Parliament, because the entry seems to stand so bald at present, inasmuch as a proceeding is entered of which we do not know the reason. This is the usual form of courts of justice.

SIR J. GRAHAM: I confess I think it would be expedient that the question should be put to Baron de Rothschild; because, as the matter stands at present, it is merely that he requests to be sworn upon the Old Testament, and not because that it is the mode of swearing binding upon his conscience. The notice of Amendment given by the hon. and gallent Member for Middlesex is—

> "That Baron Lionel Nathan de Rothschild, one of the Members for the city of London, having presented himself at the table of the House, and having previously to taking the oaths requested to be sworn on the Old Testament—being the form which he is ready to declare to be binding on his conscience—the clerk be directed to swear him on the Old Testament accordingly."

But I think it is very inexpedient that any Member of this House should declare for another what is binding upon his conscience. I think we should have a declaration from himself of what is most binding. If the Baron de Rothschild, on presenting himself at the table, asks for the Old Testament, and is ready to say that swearing upon it is the mode of taking an oath most binding upon his conscience, I certainly think we ought to have that upon record.

Sir F. THESIGER: We have not yet had the answer of Baron de Rothschild to the question which I think the House ought to put to him. Inasmuch as the question is a novel one, and as it is necessary that we should proceed with great care, I thought that if Baron de Rothschild came to the table and said, "I desire to be sworn on the Old Testament," which was, in fact, no answer to the question put to him by the clerk, that, at all events, the House being informed of the desire of the Baron de Rothschild, would have requested to know why he desired to be sworn in that particular form. I do not think the question we should put is that which has been suggested by my right hon. Friend; I do not think that we ought to invite the Baron to declare that that is the form most binding on his concience. But, inasmuch as the Baron has presented himself at the table of the House, and desired to be sworn in a form which is unknown to the House, we are bound to inquire why, and for what reason, he desires to be sworn in that particular mode. It is very possible that the answer which the Baron will give may render it necessary for the House to put a further question; but I will not anticipate that necessity, because it is quite sufficient for us at present to discuss whether he shall be invited to the table, and asked the question in the form I propose—namely, why he so desires to be sworn on the Old Testament? It strikes me that it is possible he may then say, I desire so to be sworn, because that is the form of swearing which is most binding on my conscience. It then may be necessary for us to go further, and ask him if he be a member of the Jewish persuasion. [*Cries of* "No, no!"] We are here called upon to determine and decide the right course to pursue in a novel and unprecedented occasion. Do let us, therefore, proceed carefully and deliberately. Suppose Baron de Rothschild had come to the table, and said that he was ready to swear the oath by dashing a saucer to the ground, and that that was the form of swearing he held to be most binding on his conscience, should we have been precluded in that case from making any further inquiry on the subject? Are we to be bound by any technical rules which would prevent our investigating the grounds upon which any Member who presents himself to be sworn may choose to adopt a different form of oath to that which the House has laid down? If that is to be the rule, we must no longer say that technical restrictions exist in courts of justice alone, because we, the House of Commons, shall be precluding ourselves from that inquiry which is necessary to enable us to decide a most important question. I throw this out for the consideration of the House. Desirous as I am that we should proceed with care and deliberation, I think it is sufficient at present to say that the form of the question which I have suggested is the proper one to be put to the Baron. Whether that should be followed up by further questions, it is for the House to decide. That is a matter for future consideration; but for the present it is, I submit, sufficient to put the question in the form I have suggested.

Mr. B. OSBORNE: I quite agree with the hon. and learned Gentleman that it is necessary we should proceed with care and deliberation in this business; but though there can be no doubt that the House has the power to put any question which it may seem fit to it to put, yet I think, in justice to the hon. Member for London, who is about to be called to the table, that he should be warned that it is in his discretion to answer any questions that may be put to him or not, as he may think proper. Therefore I hope that the hon. Gentleman, when called to the table, will not answer any second question which will raise a debate on the oath of abjuration.

MR. SPEAKER: Is it the pleasure of the House that the hon. Gentleman the Baron Lionel Nathan de Rothschild be called in, and that I put the question to him whether, in claiming to be sworn on ths Old Testament, he does so because he considers that form of taking the oath the most binding on his conscience?

MR. HUME: I apprehend he has already claimed to be sworn; the question now is, does he desire to be sworn? There is a great difference between claiming and desiring; but I am sure if he were called in and asked the question, he will answer that he does desire it.

MR. HENLEY said, he wished to ascertain the Baron de Rothschild's reason, and he thought the question should be asked why he desired to be sworn on the Old Testament?

MR. C. ANSTEY said, if they were to have a discussion upon every suggestion that was made, they would not finish the inquiry before the end of the present Parliament, much less in the present Session. It appeared to him very extraordinary, as they were such sticklers for precedent on Friday last, that they were now prepared to depart so completely from precedent as was proposed. According to the old form which was pursued in Lord Fanshawe's case, in Sir H. Mounson's case, and in Mr. Archdall's and Mr. O'Connell's cases, all the oaths at once were presented before the Member elected, and he was asked to take those oaths. He examined them altogether, not one by one, and then he stated his objections to all the oaths, or to any of them. Mr. O'Connell stated that he had no objection to the oath of abjuration or of allegiance, but to the oath of supremacy. [An Hon. MEMBER: We haven't come to that.] He knew that; but he wanted to show the House that they ought to come to it. He did not wish to lose time in the discussion of this question. He thought that the citizens of London were entitled to have an early decision of the whole matter, and that they had a right to require the House either to admit their Member, or to give them an opportunity of proceeding to a new election. What he should propose, therefore, was, that Baron de Rothschild be again called in for the purpose of having all the oaths exhibited to him. He could then state whether he objected to them, and what his objections were; and he thought that the House would be bound to stop there, and to go no further, because if they were bound to hear the grounds of objection, they ought, following the precedent in Mr. O'Connell's case, to be stated at the bar, and not at the table. He proposed that Baron de Rothschild should not be called in at all, but that they should proceed to discuss the question adjourned on Friday last—namely, that he be sworn upon the Old Testament; but if he were to be called in, then he thought that all the oaths should be shown him, and that he should be required to state, once for all, what his objections were.

The CHANCELLOR OF THE EXCHEQUER: The course suggested partly by the hon. Member for Oxfordshire, and partly by the hon. and learned Member for Abingdon, appears to me to be the correct one. Baron de Rothschild has presented himself at the table of this House, and demanded to be sworn in a particular mode. What he is to swear we have nothing to do with now. The sole question is, as to the form in which he shall be sworn, the mode in which the oath shall be administered. He claims to be sworn in a particular way, and it is right we should know from himself why he prefers that particular way. That I apprehend to be the only question which is now to be put to him, and to that he will give his answer, if called upon. I must say I think it would not be fair to put any other question without the previous assent of the House; and that, I believe, is the view of the hon. and learned Member for Abingdon. I propose, therefore, that the Baron de Rothschild be called in, and that you (Mr. Speaker) ask him why he demands to be sworn in that particular form?

SIR J. GRAHAM: I wish to speak to order. There still remains, as it appears to me, an important question of a judicial character, and it is of the last importance that order should be strictly observed in a question of this nature. I would suggest, therefore, for the consideration of the House, as strictly in accordance with order, that no question whatever should be put to Baron de Rothschild except through you, Sir, and that every such question should be in writing, and be moved, seconded, and put from the chair and carried, before it be put by Mr. Speaker to Baron de Rothschild. I have expressed my opinion that we ought not to proceed to debate the Motion of the hon. Member for the University of Oxford, and the

Amendment of the hon. and gallant Member for Middlesex, of which notice has been given. If Baron de Rothschild, having claimed to be sworn on the Old Testament, is ready to declare that that is the mode of swearing which he considers to be most binding upon his conscience, I think we ought to have that declaration from the Baron himself. The question to be put to him from the chair, therefore, should be, "When you desire to be sworn on the Old Testament, is that the mode of swearing you conceive to be most binding upon your conscience?"

LORD J. RUSSELL: Whatever the form of question which may be put to Baron de Rothschild, I quite agree with the right hon. Baronet that to have the matter regularly before us, and in accordance with the orders of the House, it would be right that a Motion should be put and carried as to the mode in which the question shall be asked by Mr. Speaker, and that no question should be put except through Mr. Speaker, and by the direction of the House.

The CHANCELLOR OF THE EXCHEQUER: I quite agree with the right hon. Baronet the Member for Ripon, and we are all agreed, I think, that this being a novel case, and one in which we are acting *quasi* judicially, we ought to proceed with extreme deliberation, and that no step should be taken without the assent of the House, come to after the fullest consideration. I should propose, subject to any amendment that may be suggested, that the Baron Lionel Nathan de Rothschild, having demanded to be sworn on the Old Testament, he be called to the table, and that Mr. Speaker do ask him why he has demanded to be sworn in that form?

LORD H. VANE seconded the Motion.

MR. HUME suggested the insertion of the words "Member for the City of London" after the name of the Baron de Rothschild, as this was to be a formal record of the proceedings.

SIR T. D. ACLAND: The question I wish to ask, Sir, is, "Does the Baron de Rothschild really desire to take the oaths required of every other Member of this House? It seems to me that his previous declarations implied the contrary.

It was then Ordered—

"That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having demanded to be sworn on the Old Testament, be called to the Table, and that Mr. Speaker do ask him why he has demanded to be sworn in that form."

Whereupon Baron LIONEL NATHAN DE ROTHSCHILD having come to the Table, was asked by Mr. SPEAKER:—

"Baron de Rothschild, you have demanded to be sworn on the Old Testament, and I am directed by the House to ask you why you have demanded to be sworn in that form?"

To which Baron LIONEL NATHAN DE ROTHSCHILD replied:—

"Because that is the form of swearing that I declare to be most binding on my conscience."

And then Mr. SPEAKER directed him to withdraw.

SIR F. THESIGER: I think even now we are in a difficulty with regard to having the proper entry in our records. The House will observe that the ordinary question having been put by the clerk at the table, whether the Baron claimed to take the Protestant or the Roman Catholic oath, no answer whatever was given to that question. The only answer given, which was no answer at all, was, "I desire to be sworn on the Old Testament." ["Oh, oh!"] It is very well to say "Oh, oh!" but, with submission, I think I am quite right, and that nobody can consider that an answer to the question put by the clerk. And that being the ordinary question put to every hon. Member on presenting himself to take the oaths, I apprehend that it is not put without an answer being required to it; and there having been no answer in this case, I shall propose that the question be again put to the Baron de Rothschild, and that he be asked whether he claims to take the Roman Catholic or Protestant oath.

MR. W. P. WOOD: With great submission, it does not appear to me that there is anything in the objection.

LORD J. RUSSELL: I rise to order. If the hon. and learned Gentleman wishes to have the question put, he had better put the question in writing.

SIR F. THESIGER then submitted the Motion in writing.

Motion made, and Question proposed—

"That Baron Lionel Nathan de Rothschild be called to the Table, and that Mr. Speaker do ask for an answer to the question already put to him by the Officer of the House, what Oath he claims to take, the Roman Catholic or the Protestant Oath."

MR. NEWDEGATE seconded the Motion.

MR. W. P. WOOD said, there was really nothing in the point thus raised by the hon. and learned Gentleman. The question put by the clerk of the House when a Member came to be sworn, whether he wished to take the Roman Catholic or the Protestant oath, was no matter of record at all. It would not be found upon the journals. It happened to be accidentally mentioned that the clerk of the House had asked the question, and hence this point; but the clerk asked it solely out of courtesy to hon. Members who presented themselves to be sworn, in order that they might be informed they had an option. The statute said, that Members professing the Roman Catholic religion should have a right to demand the Roman Catholic oath; but if they did not ask for it, the other would be administered as a matter of course. The two forms were presented separately, but it was never said in the journals that the clerk asked any such question as to which they would take. It was only done as a proper act of courtesy towards gentlemen who professed the Roman Catholic religion under an Act passed for their relief; and no hon. Member was obliged to answer the question at all; but if he did not answer, of course he would not have the benefit of taking the Roman Catholic oath.

MR. ANSTEY, in confirmation of what his hon. and learned Friend had stated, would add that when he took the Roman Catholic oath he was obliged to demand it. He claimed the Roman Catholic oath, and it was tendered to him in due form. He appealed to every Roman Catholic Member in the House whether the same form had not been observed in their cases respectively.

MR. HENLEY said, the difficulty was, that in this case there was a record upon the journals of a question that had been put. The hon. and learned Member for the city of Oxford said such questions did not appear upon the journals; but there it was, in this case, actually printed in the records from which the journals were made up—the Votes. The question appearing there without an answer being given, made all the difference.

MR. HUME said, that if Baron de Rothschild were again called in, it did not follow that the question would be answered. No answer would be given to an improper question; and certainly this appeared to him one of that character.

SIR G. GREY: As I understand it, the question was put by the clerk, for his own information, and not by the direction of the House. In the case of Roman Catholic Members, it is not absolutely necessary that the question should be put; but if the Catholic oath is demanded, it must be administered. In this case, however, with the desire to be clear in detailing the facts, it has been inserted in the record that that question was put; but in ordinary cases, there being no neceesity for putting the question, it is never inserted in the record. It appears that the question was put for the information of the clerk, and the case being a novel one, the fact was entered on the jonrnals, in order to complete the narrative, but in ordinary cases no record is made, inasmuch as the question is not put either by order of the House or by statute, but simply for the information of the clerk.

MR. J. A. SMITH wished to know under what statute the hon. and learned Member for Abingdon termed the one oath, the Protestant oath?

SIR F. THESIGER: Under no statute. I apprehend it is quite immaterial whether it is a question authorised by the statute to be put or not; but I take the question as I find it in the journals, and as I understand it on the authority of Mr. Speaker, that it is a question put to every hon. Member. ["No, no!"] With great submission, I understood Mr. Speaker to say that the question is one which is put by the clerk to every Member; and the question now is, whether on my Motion the House thinks it expedient that the Baron de Rothschild should have this question put to him, and of course that the House will decide for themselves.

SIR J. TYRELL: I quite agree in the importance of proceeding with deliberation and circumspection; but I submit that, in point of fact, the Baron de Rothschild has not refused to take any oath whatever. He has simply asked to be sworn in a particular way, and it is for the House to deliberate and decide upon the question, whether he shall be sworn in that way or not?

MR. J. S. WORTLEY: There is something, I think, Sir, in the distinction which has been drawn by the hon. and learned Member for the city of Oxford; for although I believe it has been the usual practice, for the convenience of Members coming to the table to be sworn, to put the question as to which oath they proposed to take—that question has not hitherto appeared on our journals. But we are here in this position, that in consequence of the surprise and hurry in which the question was brought forward, it does assume a formal shape on the journals. We are, therefore, in this difficulty, that in the journals it will appear that a question has been put to the Baron de Rothschild, which has received no distinct answer. I confess that I do not place so much reliance and importance upon this point, as some of my hon. Friends appear to do; but I cannot help thinking that the friends of the Baron de Rothschild are taking a most injudicious course. I think they are special pleading. I think they are trifling with a grave and important subject. What the House wants to know, and what it is entitled to know, is, does the hon. Member for London come to the table with the *bonâ fide* intention of taking the three necessary oaths which are required by the Act of Parliament to entitle him to take his seat? If he does, then I for one should be prepared to enter in the most candid manner into the examination of the form of oath he may desire to take; and I will add that in that case I shall not be less desirous of taking a liberal view of the question than others.

Mr. MANGLES: The right hon. and learned Gentleman says, that the friends of Baron de Rothschild are special pleading, and trifling with the subject. Now, I ask him candidly to say, whether it is the friends or the opponents of Baron de Rothschild who have raised this preliminary question as to the particular book of the Bible upon which the Baron is to be sworn? Is it the friends of Baron de Rothschild, or those who are opposed to him?

Mr. NEWDEGATE said: I think that pursuing the course indicated as that already adopted by the House in putting the question in the first instance, is the most convenient mode of proceeding, because if that course be not taken, the two oaths must be tendered to the Baron de Rothschild, and he will then have to choose between them, so that nothing will be gained by rejecting the proposition to put the question in the first instance.

The CHANCELLOR of the EXCHEQUER: The hon. and learned Member for Abingdon will allow me, with all respect, to suggest to him, that the course he now suggests would be simply an interruption to that course which he previously said he was prepared to adopt. The question now is as stated by the hon. Member for North Essex as to the form of oath, not which of the two oaths the Baron de Rothschild will take, but the question last raised by the hon. and learned Member for Abingdon is, whether the hon. Gentleman desires to subscribe to the Roman Catholic or the Protestant oath. Now I submit that preliminary to that is the form in which he shall be sworn. The hon. Baronet the Member for North Essex put the question clearly and distinctly, that what we have now to consider is the manner in which the oath shall be administered; and the hon. and learned Member for Abingdon agreed in the first instance that that was the first question to be raised and decided. Supposing for a moment that the question now proposed to be put to the Baron de Rothschild were put and answered, still you would have to decide on the preliminary question of the form of putting the oath. Suppose the Baron should say I will take the Roman Catholic oath, or I will take the Protestant oath, that would be as to the substance not as to the form. The first question is, the form in which he shall be sworn, and, that decided, then the question which has been raised by the hon. and learned Gentleman the Member for Abingdon may be put. With regard to the fact appearing recorded in our journals that the question was put by the clerk, that, I apprehend, was the result of mere accident, arising from the novelty of the case; and the desire that the circumstances should be correctly entered.

Sir F. THESIGER: I rise to say a word in explanation. The question I wish to have put to the Baron de Rothschild will, I think, have an important bearing, if answered one way or the other, on what is called the preliminary question, though I confess I am not able to distinguish between what is called the preliminary and the main question in the case. I think it is important in the argument that we should ascertain, in the first instance, which of the forms of oath the Baron de Rothschild proposes to take, and that, I say, has an important bearing on what Gentleman on the other side are pleased to call the preliminary question.

Mr. V. SMITH: The first question has not, as it appears to me, been stated in the record. The case arises in this manner. The Baron de Rothschild appeared at the table to take the oaths, when the New Testament was tendered to him by the clerk, and he answered, I demand to be sworn on the Old Testament. The answer of the Baron de Rothschild applied to the tender of the New Testament, and it is upon the demand raised in that answer, and in that way, that we have to decide.

LORD J. RUSSELL: The House will recollect that when an hon. Member comes to the table to be sworn, the clerk places in his hand the New Testament, and the usual course then is to tender to him the printed form of an oath which is called in the entry the Protestant oath; but if the Member is a Roman Catholic, and desires to take the form of oath prescribed by the Act to be taken by Roman Catholic Members, he declares it. But in this case there was a preliminary objection raised by the Baron de Rothschild by the demand that he made to be sworn on the Old Testament, and not upon the New Testament, which had been placed in his hand by the clerk. That is the first question to be decided, and it seems to me that before asking the hon. Gentleman any further questions, we should decide that.

MR. HUME expressed a hope that the hon. and learned Member for Abingdon would withdraw his Motion, and not give the House the trouble to divide.

SIR F. THESIGER rose and said, that his object was not to give unnecessary trouble, but that they should proceed regularly, and with the leave of the House, if such was their wish, he would withdraw his Motion.

Motion, by leave, withdrawn.

MR. J. S. WORTLEY said: I wish to test the feeling of the House on this question, and I will now submit a Motion for that purpose. I believe it will be found uniformly in the journals that the entry has always been, in reference to taking the "oaths," in the plural number — in fact, that the oaths have always been taken collectively. I move that the Baron de Rothschild be called to the table, and that Mr. Speaker be requested to ask him, "Are you willing to be sworn to the oaths required by Act of Parliament of every Member of this House on taking his seat?"

Motion made, and Question put—

"That Baron Lionel Nathan de Rothschild be called to the Table, and that Mr. Speaker do put to him the following Question:—Are you willing to be sworn to the Oaths required of a Member by Act of Parliament before he takes his Seat?"

SIR T. D. ACLAND seconded the Motion.

MR. HUME: I wish only to say that that question was not put to any other Member, and that it appears to me you ought not to put a question to the hon. Member for the city of London which you have not put to any other Member. It would be going out of the ranks—departing from rule—to do so.

MR. GOULBURN: It was put to Mr. O'Connell—who said, in reply, that he was ready to take two of the oaths, but not the third.

SIR G. GREY: Yes, but there were no preliminary objection in Mr. O'Connell's case, as there are in this case. I think the House ought to put aside altogether the question of Baron de Rothschild's creed. The question is, as it appears to me, should he be sworn in that form which he considers most binding on his conscience? Any preliminary objection to the oaths may be taken after that. The question is, to consider the whole subject collectively, and not to consider it as distinct from another question which may arise afterwards. This question stands distinctly on its own merits, and it ought to be decided without anticipating anything which may hereafter suggest itself.

MR. SHEIL: I rise for the purpose of moving an amendment. The Amendment is this: "That Baron Lionel de Rothschild be called in, and sworn on the Old Testament." [MR. B. OSBORNE: That is my Amendment.] Then I beg pardon. That Amendment has not been put, and therefore I hope the House will allow me to state why I think this is the stage when such an amendment should be put. What have we already done? We have resolved to ask the hon. Member for the city of London why he chose to be sworn on the Old Testament. That was the act of the House. We have received no answer to that question, and, having received no answer to that question, it remains to be considered what we are to do? Why, we must follow up our own questions and the answers given thereto by an appropriate step. It is, however, suggested to me, by an hon. Member sitting close by, that I am taking this Amendment out of the hands of an hon. and gallant Gentleman who gave notice that he should move it. If that is so, I will not say another word.

MR. NEWDEGATE: The right hon. Member who has just sat down has inadvertently said that the asking of the question why Baron de Rothschild wished to be sworn on the Old Testament, and his declaration that he considered that form of oath most binding on his conscience, was a step. The only step it is, is a step into a difficulty, for it is a farce to ask him to come here and declare his wish to be sworn on the Old Testament, and then to ask him to come back again and repeat certain words of the oath, with the positive certainty that when he comes to the conclusion of the oath to the words "on the true faith of a Christian" he will stop short, and that, after all, the proceedings will thus be rendered ineffectual. The step will, therefore, be a step into a difficulty if you decide on tendering the oath to him as it is at present framed.

MR. HUME: I think we have now come to the resolution or amendment of which I gave notice, and I will move it now if you please, on the Motion of the hon. Baronet the Member for the University of Oxford.

LORD J. RUSSELL: The hon. and learned Member for Bute has moved his resolution as a preliminary resolution. If that resolution is not agreed to, then we can resume the adjourned debate, and the Motion of the hon Baronet for the University of Oxford can be put.

On Question,

The House divided:—Ayes 104; Noes 118: Majority 14.

List of the AYES.

Acland, Sir T. D.
Arbuthnot, hon. H.
Arkwright, G.
Ashley, Lord
Baldock, E. H.
Barrington, Visct.
Blackall, S. W.
Blair, S.
Blakemore, R.
Booth, Sir R. G.
Bowles, Adm.
Bremridge, R.
Brisco, M.
Brockman, E. D.
Brown, H.
Burrell, Sir C. M.
Cabbell, B. B.
Carew, W. H. P.
Chatterton, Col.
Chichester, Lord J. L.
Clerk, rt. hon. Sir G.
Cochrane, A. D. R. W. B.
Cocks, T. S.
Coles, H. B.
Corry, rt. hon. H. L.
Denison, E.
Dick, Q.
Dickson, S.
Disraeli, B.
Dodd, G.
Drax, J. S. W. S. E.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duncuft, J.
Egerton, W. T.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Greene, T.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hayes, Sir E.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hogg, Sir J. W.
Hope, A.
Hotham, Lord
Inglis, Sir R. H.
Jermyn, Earl
Jones, Capt.
Knox, Col.
Lacy, H. C.
Legh, G. C.
Lewisham, Visct.
Lockhart, A. E.
Lygon, hon. Gen.
Mahon, The O'Gorman
Manners, Lord J.
Maunsell, T. P.
Morgan, O.
Naas, Lord
Newdegate, C. N.
Nicholl, rt. hon. J.
Palmer, R.
Patten, J. W.
Pennant, hon. Col.
Plowden, W. H. C.
Plumptre, J. P.
Powlett, Lord W.
Prime, R.
Pugh, D.
Raphael, A.
Richards, R.
Scott, hon. F.
Seaham, Visct.
Sibthorp, Col.
Somerset, Capt.
Somerton, Visct.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Thesiger, Sir F.
Thornhill, G.
Tyrell, Sir J. T.
Verner, Sir W.
Vyse, R. H. R. H.
Waddington, H. S.
Wellesley, Lord C.
Williams, T. P.
Willoughby, Sir H.
Wynn, Sir W. W.

TELLERS.

Wortley, J. S.
Buller, Sir J. Y.

List of the NOES.

Adair, R. A. S.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Bouverie, hon. E. P.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Cayley, E. S.
Childers, J. W.
Clements, hon. C. S.
Clifford, H. M.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Douglas, Sir C. E.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Evans, Sir De L.
Ferguson, Sir R. A.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
French, F.
Gaskell, J. M.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Hallyburton, Lord J. F.
Harris, R.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, Lord E.
Hume, J.
Hutt, W.
Jackson, W.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Mackinnon, W. A.
M‘Cullagh, W. T.
M‘Gregor, J.
Mangles, R. D.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milnes, R. M.
Morison, Sir W.
Mostyn, hon. E. M. L.
Osborne, R.
Parker, J.
Pelham, hon. D. A.
Pigott, F.
Pinney, W.
Price, Sir R.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Sadleir, J.
Scholefield, W.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Sheridan, R. B.
Sidney, Ald.
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stuart, Lord D.
Tancred, H. W.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Thornely, T.

Tollemache, hon. F. J.
Townshend, Capt.
Vane, Lord H.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Willcox, B. M.
Williams, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.
Wood, W. P.
Smith, J. A.

Order read for resuming Adjourned Debate on Question [26th July]—

> "That from the earliest times of the existence of a Legislature in England, no man was ever admitted to take any part therein except under the sanction of a Christian Oath; and that the Baron Lionel Nathan de Rothschild having requested to take the Oaths on the Old Testament, and having, in consequence, been directed by Mr. Speaker to withdraw while the House deliberated, this House refuses to alter the form of taking the Oaths."

Question again proposed.

Mr. HUME said, that in consequence of what had taken place to-day, matters would be somewhat altered, and therefore he begged to move that Baron de Rothschild be sworn on the Old Testament. He was sorry, he observed, in this age to witness such a contest as the present, one which resolved itself into a question of religious differences. It was melancholy to think that England, which was considered so much in advance of other nations, should in reality be so backward and so much behind them. In the United States, for example, no individual was excluded from the enjoyment of civil rights by reason of any religious differences. It appeared a melancholy fact—one which would do great discredit to the House—that we should be refusing the hon. Member for the city of London that portion of his civil rights to which he was justly entitled. The question was—for it was not his intention to address many words to the House—whether the clerk should now proceed to direct Baron de Rothschild to be sworn, as he desired, on the Old Testament. He hoped there would not be much opposition raised to that question. The report which had been prepared and laid on the table of the House in April last contained the whole of the systems which had existed from the earliest ages connected with the oath taken before Parliament; and any candid man would see thereby that the difficulties which had been thrown in the way of taking oaths had been greatly relieved, until now that they came to that position in which they found the present hon. Member for the city of London placed. He entreated the House, as they were mindful of charity, not to use such means as would drive individuals into the belief that the Church could be affected, or that her doctrines or tenets could be interfered with, by the introduction of Dissenters. The hon. Member for the University of Oxford seemed to think that the admission of a few Dissenters would alter the character of the nation; and he had called it a Christian nation. It was a Christian nation, and he (Mr. Hume) hoped that it would continue so. But, what was the character of a Christian? It was "to do unto others as we would wish to be done by"—to throw no difficulty in the way of the civil rights to which Dissenters were entitled. The hon. Member for the city of London contributed towards the expenses of the State. He had enjoyed many of the honours and privileges to which Englishmen were entitled; and should it now be said that he was prevented from enjoying the privilege of taking his seat as a Member of the House of Commons? The Dissenters had long been persecuted. Since he (Mr. Hume) had been in Parliament, he had rejoiced to observe that many relaxations had been granted them. Toleration had for a long been the rule; religious liberty was now the question. Acts of the Legislature had decided how oaths should be taken in courts of justice. These Acts had not only cleared the way, but they authorised the House to swear Baron de Rothschild on the Old Testament. When the Baron de Rothschild should have come to the bar, and when he should be required to take the oaths prescribed, then would be the time to raise any further question. The question now was whether, agreeably to the ordinary mode adopted by his religious persuasion, he should be allowed to take that form of oath which he considered most binding on his conscience. Let the House, then, do an act of justice to the individual and to themselves; let them not exclude a man on account of any particular religious tenet, but let them, in furtherance of that religious liberty which ought to be universal, establish the fact that the Commons of England would grant complete civil rights to the subjects of the realm.

Amendment proposed—

> "To leave out from the first word 'That' to the end of the Question, in order to add the words 'Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having presented himself at the Table of the House, and having previously to taking the Oaths requested to be sworn on the Old Testament (being the form which he has declared at the Table to be most binding on his conscience), the Clerk be directed to swear him on the Old Testament accordingly'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ANDERSON seconded the Amendment.

SIR F. THESIGER regretted that the hon. Gentleman the Member for Montrose had introduced the subject of religious liberty into this discussion, because they were not considering whether it was expedient that Baron de Rothschild should be allowed to take his seat, but all they were called upon to decide at the present moment was, whether, in the particular mode proposed, a person who came to the table of the House for the purpose of being sworn, and proposed to be sworn upon the Old Testament as the form most binding upon his conscience, could be permitted to take the oaths, and having so taken them, whether he could take his seat accordingly. Now, that was the question, and the only question, which the House had to decide. It had very properly been called a question rather of a *quasi*-judicial character, and he did really trust the House would argue it in the spirit of such a question; that they should avoid all the heat of party debate; that they should not introduce into the subject any passion or feeling, but calmly and dispassionately consider whether, according to the existing law, what was now proposed to be done could be done. He confessed it appeared to him that, it being of course desirable they should discuss that question in its most convenient form, what had been proposed by his hon. Friend the Member for the University of Oxford was altogether objectionable. In the first place, he doubted whether there ought to have been any proposal made in the nature of his hon. Friend's resolution; for the Speaker having declared that what was proposed to be done was an unusual course, he apprehended there was no necessity to propose any resolution in affirmance of the present practice, but that the *onus* should be thrown upon those who wished them to depart from that practice; he would, therefore, suggest that his hon. Friend should withdraw his Motion, and that the Amendment of his hon. Friend the Member for Montrose should be substituted as a substantive Motion. That seemed to him the most desirable course. He supposed they were anxious to have the question decided in its most convenient form; and when it was proposed to depart from the practice of swearing upon the New Testament, he apprehended that those who insisted on the propriety of that innovation should have the *onus* thrown upon them of showing that it was lawful to do so. Though it was stated that there were two distinct questions to be decided, it would, on consideration, be found that in reality they resolved themselves into one. A preliminary question was suggested to them, whether Baron de Rothschild could be admitted to take the oaths on the Old Testament; and the next question suggested to follow upon that was, whether he could take the oath of abjuration on the Old Testament, professing that that was the form of oath most binding on his conscience. He believed it would be quite impossible to separate those two questions; they were involved and blended together; and if a Member coming to the table could not take the oath of abjuration in the Jewish form, that was, sworn upon the Old Testament, he (Sir F. Thesiger) thought the House would find, on careful deliberation of the subject, that he could have no right whatever, according to established law, to take any of the oaths in that particular form. It was important they should bear in mind what had taken place there, and what they had to proceed upon; for although it might be perfectly true that the question which was put by the clerk at the table was an unauthorised question, and that no Member coming to the table was bound to answer that question, yet that question had been put and answered, and the question and answer appeared on the Votes, and would in due time be transferred to the journals of the House. Now, what was the question which had been put to Baron de Rothschild? It was, "Do you claim to take the Roman Catholic or the Protestant oath?" His answer was, "I desire to be sworn upon the Old Testament." It was quite clear from his answer that Baron de Rothschild did not desire to take the Roman Catholic oath. A Member coming to the table, and desiring to take the Roman Catholic oath, must distinctly, under the 10th Geo. IV., declare his desire to take that oath. He (Sir F. Thesiger) was, therefore, entitled to assume that Baron de Rothschild did not profess to be a Roman Catholic, and did not desire to take the Roman Catholic oath. If he did not profess to be a Roman Catholic, and did not claim to take the Roman Catholic oath, all that remained was, that he must take the other three oaths, which all persons who did not profess the Roman Catholic religion were required to take; namely, the oaths of allegiance, supremacy, and abjuration. Let him remark that when a Member came to the table to be sworn, the question was not put to him, "Are you ready to take this or that particular oath—whether of allegiance, of supremacy, or of abjuration;" but all those oaths were tendered to him, and it was impossible to separate the one from the other. Without taking all those oaths it was impossible that he could take his seat—he could not, in fact, be sworn. That was a point of important consideration in the matter. Nay, the Amendment of the hon. Member for Montrose assumed that, because it employed the expression "oaths" plurally, "that Baron de Rothschild having presented himself at the table of the House, and having previous to taking the oaths, &c.," it was quite clear that those oaths required were what were called the Protestant oaths, as distinct from the Roman Catholic oath; since, as the hon. Member was aware, there was only one oath taken by the Roman Catholics, under the 10th Geo. IV.; they were there dealing with the question whether a Member who might have all the oaths together tendered to him, and who was desirous of being sworn upon the Old Testament, as being in the form most binding upon his conscience—whether he could be admitted to be sworn in that form, it being perfectly clear that one of those oaths, namely, the oath of abjuration, contained in it the words "upon the true faith of a Christian"—that being unquestionably one of the oaths therefore which could not be taken in the Jewish form. That would be an important consideration which the House would please to bear in mind in arriving at a conclusion as to whether Baron de Rothschild, having desired to be sworn upon the Old Testament, had not altogether concluded the question against himself, and prevented the House from ever altering any more the form of the oaths to be taken at the table, inasmuch as he had declined to take the oaths, except in terms which virtually expressed his dissent from one of them, namely, the oath of abjuration. He hoped to be able to prove to the House that this was not a question depending upon the law and usage of Parliament, but upon the law of the land. He trusted he should be able to show the House that according to the provisions of existing statutes, it was quite impossible for any Member to be sworn at that table upon the Old Testament, even though he declared that that was the form most binding upon his conscience. In order to clear the way for discussion, he would concede to those who were desirous to have Baron de Rothschild sworn in the form which he himself had proposed, that from the very earliest period in our courts of justice, Jews had been sworn both as witnesses and jurors. Before the banishment of the Jews, in the reign of Edward I., there having of course been many transactions between Jews and Christians, and many of those having led to litigations between them, it was therefore absolutely necessary that the oaths of Jews should be taken, unless the courts had been prepared entirely to refuse justice to persons of that persuasion. Accordingly, it was a rule established from an early period in the cases of dispute between Christian and Jew, to have juries composed *ex mediatate*, as it was called, half of Christians, who were called *sex probos et legales homines*, and the other half of Jews, called *sex legales Judæos*. So far it was true that Jews had been admitted to be sworn according to the form of their religion, and to the form which they considered as most binding on their consciences. There were many instances of this upon record in the reign of John and Henry III. His hon. Friend had fallen a little into mistake; there was not an Act of Parliament which prescribed a form of oath to be taken in courts of justice—there was no form of oath prescribed at all. From a very early period, however, the courts themselves had altered the form of oath to meet the differences of religion in the persons proposed to be sworn, adopting that form which was shown to be the most binding on the conscience of the witness. The question was at last formally raised on the case to which reference had been made, of "Omichund *v.* Barker," wherein it was questioned whether Hindoos might be sworn in our courts in the form of their religion, and it was then decided by Lord Chancellor Hardwicke, Lord Chief Baron Parker, Lord Chief Justice Willes, and Lord Chief Justice Lee, that the evidence of all witnesses who believed in a Supreme Being should be admitted in the form they believed most binding on their consciences. And this rule had ever since been acted upon unquestioned. It was to be observed, that though the Judges had varied the form of the oath to meet the exigencies of the occasion, yet, it being an early rule of the common law that no evidence should be received in any case, civil or criminal, except on the obligation of an oath, the Judges were not at liberty to dispense with an oath altogether; and it was not until 7 and 8 William III. that the affirmation of Quakers was allowed to be taken in our courts of justice, the Judges, in their cases, being obliged to resort to the Legislature for permission to dispense with the oath. It was a very remarkable thing, and one which would assist them presently still further in the consideration of the point, that for 130 years up to the 7th and 8th William III., affirmations were not received in criminal cases. The law with regard to oaths in a court of justice undoubtedly was that, *ex necessitate*, for the purpose of preventing justice from being defeated, they had permitted persons to be sworn in courts of justice according to the form of their religion, or according to the form most binding on their consciences. And when it was asserted that it was a general principle of law that oaths should be admitted in every case in the form which was most binding on the consciences of the persons proposed to be sworn, he ventured to deny that proposition in the extent in which it was put; and he must declare, as he hoped hon. Gentlemen would see, that that principle applied only to what were called assertory or juridical oaths, and did not extend to promissory oaths—to oaths to be taken by official persons; which were such oaths as the oaths of allegiance, supremacy, and abjuration. His proposition was, that the principle which was sought to be applied to all oaths in general was, upon the authorities, to be applied solely to juridical oaths, and not to be extended to promissory oaths. Such being the state of the case, they should now consider that they were dealing with the case of promissory oaths—that the oaths required to be taken by a Member of Parliament were not oaths of a juridical character, to which the principle applied, but promissory oaths. The question, then, was whether such promissory oaths being required to be taken by Act of Parliament in a particular form, that general principle could be applied to that particular case. What he proposed to show was that the oath of allegiance, the oath of supremacy, and subsequently the oath of abjuration, were all of them required to be taken by Act of Parliament in what he would call the Christian form; and that the form proposed on the present occasion, which he should designate the Jewish form, was excluded from it by the terms of the different Acts to which attention had been called. They had had the benefit of a report on the subject, which would very much facilitate the discussion and assist the determination of Members. It was true, as had been stated, that the first trace of an Act requiring the Members of the House of Commons to take oaths was the 5th of Elizabeth. But he had no doubt in his own mind that before the 5th of Elizabeth Members of the House of Commons did take an oath — a corporal oath, as it was termed—because originally the person taking it touched the Host or *Corpus Christi;* and subsequently the name was retained without reference to its origin. The 5th of Elizabeth referred to the 1st of Elizabeth for the terms of the oath to be taken by Members of Parliament; which oath was the oath of supremacy, and which was a corporal oath, and to be taken upon the Holy Evangelists, and ended by saying, "So help me God, and the contents of this book." That was the first oath of supremacy. They next came to the first oath of allegiance. That was contained in the 3d of James I. It was an oath to be applied to Popish recusants; and it was not until the 7th of James I. that Members of Parliament were required to take that oath—the first oath of allegiance, and which contained the words, "upon the true faith of a Christian." Now, there had been no alteration of those oaths of supremacy and allegiance down to the 30th of Charles II.; nor had there, in fact, been any alteration in that last with regard to those oaths of supremacy and allegiance. Under the 30th of Charles II., Members of Parliament were to take the oaths of allegiance and supremacy, or to take and subscribe the declaration against transubstantiation. Let them pause for a moment to inquire what were the oaths of allegiance and supremacy 30th of Charles II. applied to? Why, the oaths of the 1st of Elizabeth and the 3rd of James I.—the oath which was to be taken upon the Holy Evangelists, and which contained the words, "upon the true faith of a Christian." So matters remained until the 1st of William and Mary, when an alteration took place in the oaths of allegiance and supremacy. That Act repealed the 30th of Charles II. so far as it concerned the taking the oaths of supremacy and allegiance contained in it. It then provided another form of oath of allegiance and oath of supremacy, and it enacted that every person taking those substituted oaths in the manner and form in which, under the 30th of Charles II., Members were required to take them, should be considered to have taken the oaths required by the Legislature. Now, when the Legislature used the terms in the 1st of William and Mary, that the substituted oaths were to be taken in the manner and form as prescribed by the 30th of Charles II., and when this latter Act of the 30th of Charles II., referring merely to the then existing oaths, names those provided in the Acts of Elizabeth and James I., did it not appear clear that those new instituted oaths required to be taken by the 1st of William and Mary were to be taken in the manner and form of the oaths of the 30th of Charles II., namely, upon the Holy Evangelists. If that were so, he apprehended the hon. and learned Member for the city of Oxford was under a mistake the other day when he said that, between the 1st and 13th year of the reign of William and Mary, any Jew could take his seat in the Legislature so far as Acts of Parliament were concerned, because in that interval there was no Act requiring oaths to be taken on the "true faith of a Christian." But as aliens they could not take a seat in Parliament. [Mr. W. P. WOOD: The Jews were not aliens.] He would not enter into that argument now; but he would like to know how his hon. and learned Friend reconciled that statute, which was passed in 1753, for the naturalisation of the Jews, and which was repealed the following year. [Mr. W. P. WOOD: That Act only applied to foreign Jews.] His hon. and learned Friend would find that Jews had invariably been regarded as aliens down to that late period. ["No, no!"] It was sufficient, however, for him (Sir F. Thesiger) to show that the hon. and learned Gentleman was mistaken in his statement as to that interval; because the 1st of William III. provided for oaths of allegiance and supremacy to be taken upon the Holy Evangelists. There was an Act—the 1st of William and Mary, c. 8—with regard to the alteration of oaths of allegiance and supremacy, which did not apply to Members of Parliament at all. At all events, so the matter rested down to the 13th and 14th of William III.; by which Act the oath of abjuration was introduced, which contained the words, "upon the true faith of a Christian." All Members of Parliament were required to take that oath of abjuration, together with the oaths of allegiance and supremacy. The hon. and learned Member was under a mistake in supposing there was any doubt after the 1st of William, or that there was any necessity for Members to be sworn before the Lord Steward; for the 5th of Elizabeth and the 7th of James II. were not repealed until the 1st of William and Mary, c. 8; and it appeared to him (Sir F. Thesiger) that there was no necessity for Members taking any other oaths than those prescribed by the 1st of William and Mary. However, the 13th and 14th of William III. introduced the oath of abjuration, with the important words in it, "upon the true faith of a Christian;" and from that to the 1st of George I. there was no alteration in the form of the oath of abjuration; at all events, none with regard to any question now under discussion. The oaths continued to be taken were the oaths of allegiance and supremacy sworn on the Holy Evangelists, and the oath of abjuration containing the words "on the true faith of a Christian," and which, of course, could only be taken in the Christian form. He would advert immediately to the Acts of the reign of Queen Anne. He came next to the 1st of George I., which was the Act that contained the three oaths—the oath of supremacy, the oath of allegiance, and the oath of abjuration, pretty much in the form in which they were now taken. The 1st George I. was supposed to have introduced a new law on the subject, because it did not refer the oath to the Holy Evangelists; and it had been held, therefore, that it operated as a repeal of the oaths in question. That was what the House had to decide. He (Sir F. Thesiger) would remark, however, that the oaths of allegiance and supremacy were word for word the oaths prescribed in the Act 1st William and Mary, as necessary to be taken on the Holy Evangelists. It had been assumed on the other side that the Act of the 1st George I. repealed these words, and enabled persons to come to the table of that House and say that they would take the oaths of allegiance and supremacy upon the Old Testament, reserving the oath of abjuration. The 16th section of the 1st George I., however, expressly required that the oath of abjuration should be taken with the other oaths, before Members elected to sit in Parliament could take their seats in that House. And when it was found that the oath of abjuration contained the words, "on the true faith of a Christian," could it be contended, even for a single moment that these oaths could be taken by such person or persons in any other than the Christian form? Following out, therefore, the Act 1st George I., and considering it in its construction with regard to former Acts of Parliament, requiring that those oaths should be sworn on the Holy Evangelists, and that the words "on the true faith of a Christian," should be added to them, he maintained that the intention of the Legislature in framing them was manifest—namely, that the only form in which they were admissible, and held to be binding, was the Christian form. But if there was any doubt on the legitimate construction of this Act of Parliament, he would refer for its construction to the well-known rule of law of construing ancient statutes *contemporei expositio*—the best interpreter was contemporaneous exposition. How stood the case, then, in that respect? From the 1st George I., to the present time, no person had presented himself at the table of that House claiming to be sworn in any other form than the form prescribed by that Act; therefore, if any difficulty was felt in the case, the House could resort to the construction put upon the statute by the practice since that period. This practice was adverse to the claim before the House; and, consequently, he had a right to maintain, even upon that ground, that the oath was held to be binding in the Christian form alone. The question, therefore, was not one dependent on the law and usage of Parliament—it depended on the Acts and statutes which he had recited; and he argued that no power existed in this country to change the form of an oath as fixed by Act of Parliament—especially a promissory oath—except the authority of the Legislature. His hon. and learned Friend on the other side of the House would not dispute that proposition, for he would find in the very case which he had alluded to—that respecting the swearing of infidels—that Lord Chief Justice Willes, confirming the doctrine of Lord Coke, had laid it down that it was an alteration of the oath, seeing that it applied not to a promissory but to a juridical oath. He (Sir F. Thesiger) therefore submitted that it was quite impossible for that House, without violating an Act of the Legislature, to administer the oaths in question to Baron de Rothschild in any other than the Christian form, the form always used in that House on such occasions, unless it were permitted by special legislation. He would not omit in his observations the case of 1st and 2nd Victoria, cap. 105, on which such great stress had been laid by hon. Members opposite. A member of the Provincial Synod of Ulster had had his house broken into and robbed, and he was called as a principal witness on the trial of the parties implicated. The trial took place before Chief Baron Joy; and when the witness came to be sworn, he declined to kiss the book, proposing to hold up his hand and swear in that fashion. The Judge doubted whether the oath so taken could be held as binding, but he permitted him to be sworn, and reserved the case for the opinion of the twelve Judges. The twelve Judges, however, came to the determination that the oath to be duly sworn should have been administered in the usual form—namely, kissing the book; and so justice was defeated. If that oath had been so administered in England, it would have been held good and sufficient, because it had been decided in 1657 by Chief Justice Glynn, when the Chancellor of Oxford claimed to be sworn not by kissing the book, but by placing his hand on it as it lay open before him, that this form of oath was as "good as any other, if it was considered by the testator as equally binding." No doubt such a form had been held binding on the conscience of parties in England for a long period, and therefore it was rightly ruled to be equally good as any other. Under these circumstances, however, Lord Denman considered it necessary to introduce a declaratory Act on the subject for the whole kingdom—an Act in affirmance of the law as it existed, not creating any new law—namely, 1st and 2nd Victoria, c. 105. That Act enacted—

> "That in cases in which an oath may lawfully be and shall have been administered to any person, either as a juryman, or as a witness, or deponent in any preceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on appointment to any office or employment, or on any occasion whatever, such person is bound by the oath administered, provided the same shall have been administered in such form and with such ceremonies as such person may declare to be binding; and every such person, in case of wilful false swearing, may be convicted of the crime of perjury in the same manner as if the oath had been administered in the form and with the ceremonies most commonly adopted."

This was an Act, it would be observed, affirmatory of the existing law, as declared by the Legislature: but it was not an Act enabling from thenceforth persons to take any oath they chose, but only such as was declared by them to be binding on their consciences. Affirmatory statutes, declaratory of the law, did not repeal the law, nor did they abrogate previous affirmatory Acts of Parliament. He therefore contended that the Act in question, 1st and 2nd Victoria, c. 105, had no such operation upon any existing law; and, consequently, that if any law previously existent prescribed the administration of an oath in a particular form, it effected no abrogation of that statute. Notwithstanding these words applied to courts of law and justice in their general sense, he would admit even a wider sense for them; but still he maintained that the Act in question had no effect upon the common law as regarded its abrogation, nor upon the statutes, in respect of their repeal. It had, however, been sought to make this Act a substitute for the 1st George I. in the case under consideration. To make it so it should apply to every occasion and every such oath. But could it be seriously contended for a single moment that the oath of abjuration and other oaths required to be taken by the statute 1st George I. could be taken, as of right, by any person claiming to do so under the 1st and 2nd Victoria in the Jewish form? The question, therefore, was still to be decided, and that decision was to be governed by the statutes to which he had drawn the attention of the House—especially by the 1st George I. Having arrived at this point of his argument, it was scarcely necessary for him to argue that the words "on the true faith of a Christian" were essential to the oath, and that no one could legally take that abjuration and omit those words. If there were any doubt on this subject, he would refer hon. Members to a passage in the report, to which attention had been directed in the Committee. He alluded to an extract in page 16 from the 10th George I., which confirmed an Act of the previous year, and proceeded thus:—

> "And whereas the following words are contained in the latter part of the oath of abjuration, namely, 'Upon the true faith of a Christian,' be it further enacted by the authority aforesaid, that whenever any of His Majesty's subjects professing the Jewish religion shall present himself to take the said oath of abjuration, in pursuance of the above-recited Act, or of this present Act, the said words, 'Upon the true faith of a Christian,' shall be omitted out of the said oath in administering the same to such person; and the taking the said oath by such person professing the Jewish religion, without the words aforesaid, in like manner as Jews are admitted to be sworn to give evidence in courts of justice, shall be deemed to be a sufficient taking of the abjuration oath, within the meaning of this and the said recited Act."

There also was a subsequent Act of the 13th George II. to the same effect. It was at one time contended in the Committee that the words "upon the true faith of a Christian" were part of the jurat; but upon these Acts being pointed out, the Solicitor General, though he had originally taken a different view, admitted they were conclusive on the subject, and that the words were evidently intended by the Legislature as a substantial and essential part of the law. Assuming that Baron de Rothschild was of the Jewish persuasion—for the House possessed no information on the subject—he would call their attention to the evidence given by a very respectable member of that persuasion, Mr. Alderman Salomons, before the Committee. The Chairman asked, "What is your objection to the oath of abjuration?" and Mr. Alderman Salomon's reply was—

> "I have no objection whatever to the oath of abjuration, except to the words 'Upon the true faith of a Christian,' as being quite inconsistent with the form in which I am sworn, and it would no doubt make me, if I adopted those words, a very unfit public officer, and a very dishonourable individual; and it would be besides, in my opinion, an offence and an insult committed against the community at large.
>
> "As far as you know the members of your persuasion, and the rules and regulations which govern them, they could not take an oath with those words in it, 'Upon the true faith of a Christian?' —Most assuredly not."

Under these circumstances, he (Sir F. Thesiger) had a right to assume that Baron de Rothschild would not take the oath of abjuration with the words "on the true faith of a Christian." As he (Sir F. Thesiger) took it, the House was not, however, prepared to strike those words out of that oath. He took it that no one could take his seat in that House without taking the three oaths of allegiance, of abjuration, and of supremacy, except he was a Roman Catholic. Baron de Rothschild was not a Roman Catholic. Therefore it was quite impossible, according to his (Sir F. Thesiger's) view of the question, that Baron de Rothschild could be permitted to take these oaths in the form proposed. In this inference he was sanctioned, and, indeed, fully borne out by the conduct of the noble Lord at the head of the Government. The question was one of deep interest, and many persons of the highest intelligence and learning in the law were deeply interested in its solution. Therefore, it did appear to him to be strange that no person had ever dreamt of the course pursued on the present occasion in respect to its settlement. The noble Lord had shown his opinion to be adverse to that course by the different Bills which he had laid upon the table of the House to settle the question by legislation. These Bills spoke as plainly as acts could speak, that the noble Lord's view on the subject was, that this settlement could only be accomplished by the act of the Legislature. The report of the Committee, on which the noble Lord sat, contained all that could be said on the subject; and the noble Lord had laid his Bills on the table of the House after that report was made, showing thereby, in the strongest possible manner, that there was, in his opinion, no other mode of introducing to that House a member of the Jewish persuasion, or of any other form of faith differing from the Christian, except by an Act of Parliament. Under these circumstances, he called upon the House to pause before they took the step at present proposed to them—a step which he considered one of the most vital importance. He admitted that the occasion was novel and unprecedented; but that fact only made it all the more clear that to yield to the proposal and administer the oaths in question to Baron de Rothschild according to the Jewish form, would not only be a departure from precedent, but a violation of existing Acts of Parliament. And then he reminded them this course would necessarily prepare for the day—which day would certainly arrive—a day of mischief, if not a day of danger, in which the House of Commons would be brought into collision not only with the courts of law on the question, but also with the House of Lords. He knew the noble Lord at the head of the Government was fully prepared to maintain boldly and fearlessly all the privileges of that House, but he was quite sure the noble Lord would feel with him that it was not desirable to invite such a collision as he had mentioned. He believed they would enter upon such a contest with the authority of the law and of precedent against them, and he certainly did look forward with very great apprehension to a struggle under such circumstances. He would conclude by expressing his conviction that no person could claim to be sworn in as a Member of that House unless he was prepared to take the oaths of allegiance, supremacy, and abjuration, and that in the form the Legislature had invariably provided—namely, in the Christian, and not according to any other form.

Lord J. RUSSELL: Sir, I am anxious to follow the hon. and learned Gentleman the Member for Abingdon, not only because he has most ably stated the arguments on this question on which he founds his opinion—that Baron de Rothschild ought not to be permitted to take the oaths at the table upon the Old Testament, but also because he has treated this question as I think it alone ought to be treated—as strictly a judicial matter of debate. Before I sit down I may have to notice some representations which have been made to the House to induce the House to treat the matter in a different spirit, but at present I shall refer immediately to the arguments of the hon. and learned Gentleman who has just spoken. That hon. and learned Gentleman has laid it down that oaths promissory have always been taken in a Christian form, and that this House is bound not only by the usage and law and custom of Parliament, but by actual statute upon the point. Now the principle on which I wish to proceed is this—the electors of the city of London have sent to this House as their representative a Gentleman elected by a majority of those who have voices in the matter. They have not only returned him once, but twice, to this House; and I say that it is due to them—it is due to the whole body of the electors of this united kingdom—that we should take heed that they are put in the enjoyment of the full right to which they can pretend—that nothing but a positive obstacle of law should induce us to refuse admission to his seat in this House a Member so elected, and claiming entrance. I think that we ought to give every facility in a case of this kind, short of that positive obstruction of law; and that when this point arises, and then only, we ought to refuse to the Member claing his seat admission, and the right to take it. The hon. and learned Gentleman has, I observe, been obliged in this subject not only to deduce from Acts of Parliament that which is not in their letter, and which moreover is not clearly prescribed by their enactments, but also to deduce inferences from the language of former Acts of Parliament—some of which have been repealed—but which the hon. and learned Gentleman seems to think ought, by inference, to be binding upon us on this occasion. I will endeavour, Sir, to inquire whether there are any of these Acts of Parliament which are so binding as to oblige us to refuse to Baron de Rothschild the power of taking the oaths in the form which he has declared to be the most binding on his conscience. The hon. and learned Gentleman has stated his belief that previous to the 5th of Elizabeth there were oaths prescribed to be taken by Members of Parliament. Now, I know no authority for such an assertion; and, for my part, conceiving myself bound by all the Acts of Parliament remaining unrepealed, I yet doubt the policy of the restrictive Acts upon this subject; and I conceive that although we are bound to conform to the letter of the statutes, we may yet confess that all these complicated Acts have given us no additional advantage—that they have been of use only in entangling the consciences and perplexing the minds of those who have to take the oaths presented under them, and that they have never afforded any further security for the allegiance of subjects, nor made any better provision for the legislation of Parliament. I, therefore, instead of believing with the hon. and learned Gentleman, believe rather that the wisdom of ancient legislation, before those unhappy dissensions arose which have severed into various parties the Christian body—that that wisdom led our forefathers not to prescribe the administration of oaths on Members taking their seats in Parliament. It is no doubt of importance, although not of paramount importance, to see whether we are deviating from the ancient spirit of legislation. Let it then be admitted that there is an Act, the 5th of Elizabeth, prescribing the oaths to be taken, and providing that these oaths are to be corporeal, and that they are therefore to be sworn on the Holy Evangelists. The 7th of James I. likewise prescribes corporeal oaths to be taken on the Holy Evangelists. Here the hon. and learned Gentleman stops, and says it is quite clear that if oaths were to be taken on the Holy Evangelists that such were Christian oaths, and that we are bound to take care that any oaths now to be taken shall be Christian oaths still. Well, at this point I also pause. I find a Gentleman duly elected a Member of the House prepared to take the oaths; in an unusual form indeed, but then only an unusual form because no other Member has ever wished to be sworn in the same fashion. There is no instance, no precedent, of any Member having refused to take the ordinary oath. Baron de Rothschild, however, now comes before us, and asks for the privilege of being sworn in the manner which he considers most binding; and it is for us to consider, the demand being new, how we are to construe the Acts by which we are bound, and the customs and usages of Parliament. Well, then, having no precedent as to the usages of the House, so far as a refusal to take the oaths on the New Testament is concerned, I naturally go to the usages of the courts of law, and before I come to the distinction between permissory oaths and juridical oaths, I look to see how the courts have interpreted the command to take the oath on the Holy Evangelists. Now, I admit, that if the Act were in force which prescribed that course, that we should suppose in general that the Bible was meant by the words "Holy Evangelists." But I find, however, that Lord Chancellor Hardwicke said—

> "If a Jew should be indicted for perjury, and it is laid in the indictment that he swore *tactis sacro-sanctis Dei Evangeliis*, yet, according to Hale, the word *'evangeliis'* in the indictment may be answered by the Old Testament, which is the *evangelium* of the Jews."

Now, when I read this, I say that I do not think that the words contained in the Acts of Elizabeth and James are, in fact, conclusive upon the point. But, beyond this, I find two very remarkable circumstances —the one being, that in the statute of George I., which regulates our proceedings, I do not find any similar directions. The hon. Gentleman dwells on the authority of that Act; but I submit that if that Act repeals former Acts, that the Acts of Elizabeth and James I. are no longer to guide us—that we are not bound by the words on the "Holy Evangelists" to administer oaths only on the New Testament—and that at this moment there is no Act which forbids us to administer oaths on the Old Testament. It is another important consideration that, from the 1st to the 13th William III., there was no oath which directly excluded Jews from coming to this table to be sworn. No doubt it may be rightly urged—but into that question I am not at present entering—that Jews were then prevented by statute, by the law of the land, from sitting in Parliament; but the question is now, whether there was anything at the time under discussion which prevented their sitting in Parliament, so far as the preliminary oaths were concerned. The words "on the true faith of a Christian" were not then part of the oath; and will any person contend that if an elected Member had presented himself at the table to take the oaths—supposing that there had been no legal disqualification to prevent his being so elected—it would have been urged that the Acts of Elizabeth and James were then so binding on you that you ought to have excluded the Jew because he would take the oaths only on the Old Testament? We come, then, to consider what is the manner in which oaths have been taken. The hon. and learned Gentleman says that they have always been taken in a Christian form; but at the same time he contended that this was a matter of positive statute, and, as I submit, he failed to make out that by positive statute we were bound to administer oaths in the form in which we usually proceed. The hon. and learned Gentleman could only show what had been the custom according to ancient Acts of Parliament. But the custom had been unvaried only because those who had presented themselves to be sworn had been willing, invariably, to take the oaths upon the New Testament. And unless you can point out that there is some statute which prevents the oath from being administered upon the Old Testament, I do not think that you ought to insist upon an objection which throws back the claims of an hon. Member duly elected. Well, Sir, an hon. Gentleman has tried to answer the argument derived from the Act of Parliament recently passed, which provides that if persons be sworn upon any occasion of appointment to office or employment, such persons are to take and be bound by the oath of allegiance. I do not think that that statute is conclusive upon the subject, but at all events it does this—it secures you from one of the dangers of admitting an oath not otherwise described, insomuch that if the person taking it be guilty of perjury, he would be subject to all the pains and penalties appointed in cases in which violation has taken place of an oath taken in the usual manner. Well, then, what are the oaths which the hon. Member for London would have to take? The hon. and learned Gentleman contends that these oaths are of such a nature as to form a conclusive objection, in the first instance, against the hon. Member's being sworn upon the Old Testament. Now, I own it appears to me that you ought not to go so far as to preclude argument on this subject. It does indeed appear to me that those Acts to which the hon. and learned Gentleman refers—the 9th of George I. and the 17th of George II., giving permission, as these Acts do in some cases, to omit the expression in question—do preclude the House from omitting the words "on the true faith of a Christian" upon this occasion. But the question now is, whether the hon. Member for London should be allowed to go so far as to be sworn upon the Old Testament, and to state, either by himself or by counsel, what oaths he is ready to take, and in what sense he is ready to take them. Some have contended, and contended very properly, that the words "on the true faith of a Christian" are only the sanction and confirmation of the oaths, and do not belong to the oaths themselves. Now, Sir, I think, whatever may be the weight of that statement, that the Member claiming admission to the House should not be sent away at once from the table without the opportunity of supporting it by argument. My own opinion is, that if these words had been stated in the beginning of the oath—"I am a Christian," or "I profess myself a Christian," it might have been inconsistent with such an oath that the person taking it should swear upon the Old Testament. But that is not the present case—it is entirely different. The original intention of putting in the words "on the true faith of a Christian" appears to have been in order to give a solemnity and sanction to the oaths with regard to one class of Christians, namely, the Roman Catholics, who might have been then suspected of being disaffected towards the Crown, but not to have been intended for he purpose of excluding the Jews. That, Sir, is the material point of the argument. I have said, that I think myself that it is not in the power of this House to dispense with the words "on the true faith of a Christian." When that question comes to be debated, I certainly, according to all the study which I have been able to give to the subject, shall feel myself compelled to vote against these words being omitted in the oath. At the same time I do not think that you are enabled at present to declare that Baron de Rothschild shall not be sworn according to the form which is most binding upon his conscience; and looking on this as being a matter for grave deliberation, I think that we must allow to the hon. Member who proposes to be sworn at the table every latitude, in order that his case may be fairly and amply stated. I think that this much is due to the electors of the city of London—this much is due to the Member of Parliament elected by them—this much is due for the satisfaction of the rights, not so much of the individual primarily interested, as for those of the whole of the people of this country. And now, Sir, I will allude to a view which has been taken of this question, and against which I feel it my duty to protest. It was said the other day, in the course of this debate, that so far from this not being a party question, it was essentially a party question, and indeed the greatest party question of the day—that it was the question of prejudice against progress—of intolerance and bigotry against the principles of civil and religious liberty. Sir, I utterly dissent from these doctrines. If it were a question of prejudice and bigotry against civil and religious liberty, then what would have been my course upon the matter may be gleaned from this fact, that I have no doubt whatever that the Jews ought to be admitted to the right of sitting in this House, and that there are no valid reasons—nothing, in fact, but a remnant of the persecuting spirit which could wish to prevent them. But that which you have now to consider is no party question—is no theoretical question; it is a question whether you are enabled by the law as it now stands to allow a Member who is a Jew to be sworn in such fashion as he can take the oaths. I feel convinced that if you are of opinion—that if those of the House who are most opposed to the admission of the Jews be, nevertheless, of opinion—that, lawfully, Baron de Rothschild can take his seat, you ought, by all means—whatever political consequences you think may follow—however much you may wish to avoid any alteration of the Christian character of this House—I think that you ought undoubtedly, and at once, to admit him. But, on the other hand, should you not think that the law enables the hon. Gentleman to take his seat according to the statutory provisions which are now in force, then, in that case, no opinion favourable to according the claims of the Jews by means of a legislative measure ought to induce you to move forward one step in the direction in which you have been summoned. If, however, you determine to take any other course—if you determine to take a course which will bring you into collision with the courts of law without being justified by the words of the Acts of Parliament on which you rely, depend upon it that the most serious evils may—indeed, must—follow. Not that I should be afraid, were I well convinced that I was in the right, of meeting the decisions of any court of law. But there is a question beyond this. If you be not convinced that you are acting according to law—if you be prepared to act according to conscience, and for the promotion of civil and religious liberty—you will then be exercising that dispensing power, the employment of which has, upon one great occasion, induced the people of this country, and induced them with great cause and justice, to bring about a revolution. I should be sorry, indeed, if this House, which now possesses much of the power formerly belonging to the Crown, should attempt to exercise any such power. I was sorry to hear it proclaimed in this House that we ought to treat this question otherwise than as a judicial question; but I was happy to find that the hon. and learned Gentleman who spoke before me has handled it in a proper manner; and I trust that throughout the remainder of this discussion the debate will be carried on upon similar principles. I have now, Sir, stated the result to which I have come on the present occasion. I think that the Member claiming his seat ought to have his demand complied with, that he should be sworn upon the Old Testament; and, that, further, the House ought most earnestly and deliberately to weigh everything which can be said in favour of his actually being allowed to take his seat. But, according to my deliberate opinion, I cannot lend myself to the changing of the words of the oath, "On the true faith of a Christian," without the sanction and support of an Act of Parliament.

SIR R. H. INGLIS could not follow the noble Lord without acknowledging the moral courage and the prudence of his speech, and thanking him for both. But he would respectfully ask the noble Lord in what state he would place Baron de Rothschild when he came to the table? The noble Lord seemed to forget that the taking the book in the hand and kissing it was not the first but the last act connected with the taking the oath, and that the hon. Member for London must hold in his hand the three oaths, and must be considered as binding himself to all the three. Let it not be forgotten that these oaths were not imposed by mere resolution of the House; they were as much parts of the statute law of the land as Magna Charta or the Bill of Rights, and, whether right or wrong, they had absolutely and essentially the force of Acts of Parliament. It was quite a mistake to suppose that the question was decided by Lord Denman's Act.

Where cases were specified, and there were also general words in a statute, the general words were to be construed with reference to cases *ejusdem generis;* there was no pretence for saying that such a case as that of the Baron de Rothschild was ever contemplated by Parliament at the time Lord Denman's Act was passed; and if this was not a case of the same kind with those specified in the Act, the Act might as well —for this question—never have been passed. He had been told that it would be desirable to give the House the opportunity of dividing upon the Motion of the hon. Member for Montrose, instead of calling upon them to affirm a negative. He (Sir R. Inglis) preferred his own proposition, but would not press it if he understood it to be the wish of the House to take the division upon the affirmative rather than the negative. At that hour (past three o'clock) he would not detain the House further.

Sir G. GREY proposed that, as there was to be a Commission at a quarter before five o'clock, the debate should now be adjourned, unless the House were ready to divide at once.

Mr. DISRAELI said, that to-morrow was fixed for the Parliamentary Voters (Ireland) Bill.

Lord J. RUSSELL: Possibly the House would allow him to take that Bill on Thursday instead of next day.

Mr. DISRAELI apprehended that it would be more convenient to adhere to the arrangement which had been made.

Lord J. RUSSELL certainly would not, after what he had said, postpone that Bill if there was any objection to a postponement.

Mr. B. OSBORNE would object to an adjournment of the present debate even to the next day. The question being one of privilege, the discussion ought be continued. After the somewhat extraordinary speech of the noble Lord, those who supported the claim were placed in a dilemma. If his own opinion had any weight with the Gentlemen on his side of the House, he should recommend them to grant no supply to the noble Lord till he had brought in a Bill to remedy the grievance brought before the notice of the House. The noble Lord, after his speech, was bound to proceed by Bill immediately; and he (Mr. Osborne) hoped that Gentlemen favourable to that proceeding would join him in refusing supply at present. He would move that the debate be resumed at Five o'clock.

Sir G. GREY said, that except with the general concurrence of the House, the debate ought not to be postponed to another day.

Mr. C. ANSTEY wished to give the noble Lord at the head of the Government an opportunity of explanation. He had stated very justly that this was a judicial question; he (Mr. Anstey) wished to ask him, before his unfortunate and unadvised speech went forth to the country, whether Members were to understand that whatever might be the arguments they should bring forward in this discussion in exposition of the right of Baron de Rothschild to his seat after taking an oath in which the words "upon the true faith of a Christian" were omitted, it was the intention of the noble Lord to give his vote with those who had hitherto opposed any concession upon this subject?

Lord J. RUSSELL: This question is of course not new to me. I was told last year, as well as this year, that it was very likely Baron de Rothschild might be advised to ask to take his seat, and of course it became my duty to consider the question very maturely. I did so consider it, both last year and this; and last year I asked the then Attorney General, and this year I have asked the present Attorney General, and neither of them has been able to advise me to vote in favour of the seat being taken with the omission of the words "upon the true faith of a Christian." I could not either bring my own mind to that conclusion; and with this opinion, and with the best study I could give to the question, I have come to this result, which I have thought it my duty to state, as the question was before the House. As to presuming that the hon. and learned Member for Youghal may not bring arguments so convincing as to alter my judgment, that certainly I will not pretend to do; and if he should be able so to convince me, I must own that I have been utterly wrong, and follow him into the lobby.

Mr. S. HERBERT suggested that, as no Member had risen to speak upon the first question, the House might dispose of that by dividing at once.

Mr. NEWDEGATE wished to know whether the House, by what had passed, was precluded from discussing whether the Baron de Rothschild had any right to take the oaths of allegiance and supremacy?

Lord J. RUSSELL had thought the hon. Member, and those who acted with him, had made up their minds with respect to the proposition of the hon. and learned Attorney General the other day. Of course, Baron de Rothschild could not be compelled to address any argument to the House with reference to the question.

MR. W. P. WOOD, believing there were many Members who were desirous of addressing the House on the main question, and after the speech of the noble Lord the First Minister of the Crown, upon which he (Mr. P. Wood) should certainly like to offer some opinions, possibly at some length, was in favour of the debate being adjourned.

Debate adjourned till this day at Five o'clock.

THE BRISTOL RIOTS—ARMY ESTIMATES —EXPLANATION.

MR. CODRINGTON: Sir, I rise to claim the indulgence of the House while I refer to a matter which is personal to myself. On Friday last, during my absence from the House, the hon. Member for Bristol alluded to me, and made assertions with regard to my conduct, which are not founded in fact, and which are calculated to disparage my character, and the character of the troop of yeomanry which I have the honour to command. I will not enter into all the personalities in which the hon. Member indulged; but he said that during the incendiary riots known by the name of the "Swing riots," "the lords lieutenant of counties called out the yeomanry, but they could not get the yeomanry to come; that it was a general complaint throughout the country; that at that time fire-raising was the order of the day, and every yeoman feared he might become a marked man, and the lords lieutenant reported to the Government the inefficiency of the whole of the yeomanry corps of the west of England"—that "the opinion of almost all lords lieutenant with whom he had spoken was, that the yeomanry were useless as a constabulary, because they could not be brought to bear upon any given point on a sudden emergency; that they might carry a troop of Life Guards from London to Leicester in less time than it would take to assemble an effective troop of yeomanry in Leicester; that they might carry a couple of guns, with their attendant artillerymen, from Woolwich to Bristol, in less time than it would take to assemble an effective body of yeomanry in Bristol, for an effective body of yeomanry could not be assembled in an average-sized county within forty-eight hours"—"that, in the case of the Bristol riots, about ten of the Somersetshire Yeomanry marched into Bristol, and they were kindly locked up by the authorities to prevent the mob from harming them"—that "he found it narrated that Captain Codrington having been sent for by the magistrates, appeared in Bristol after some time at the head of the Doddington Troop of Yeomanry; but the hon. Gentleman on that occasion certainly performed the feat achieved by the King of France, who, they were told—

'Marched up a hill, and then marched down again;'

for he marched into Bristol at the head of his troop, at the request of the magistrates, and he marched out again by the light of the Bristol fires." I have now to say, Sir, that the first intimation I received of the Bristol riots was at three o'clock on a Sunday afternoon—that I immediately sent round to my troop, consisting of sixty members, and that in less than four hours I had fifty-nine members in the saddle, and in less than four hours more we were in Bristol, having marched upwards of fifteen miles. As soon as they arrived at Bristol I reported myself to Colonel Brereton, the commander of the district, who kept me in conversation for some time. I told him that we had come a long march, that we had been in the town some hours, and that we were anxious to act. He said, "Sir, you cannot act without a magistrate." I said, "We will make every endeavour to find a magistrate." He said there was none. I told him, "If you will come with me, I have no doubt we shall be able to find one." He accompanied me to several houses in the town, but we could find no magistrate. He then said, "You had better leave the town. I have been obliged to call in the 14th Light Dragoons. The people will be quiet, only do not go into the town. The sooner you leave the better." I ask the House what alternative I had after that but to march away? I should have given evidence at the court-martial on Colonel Brereton, had he not terminated his existence. I have only now to ask the House what reliance can be placed on the assertion of the hon. Member for Bristol?

OATHS OF JEWISH MEMBERS—THE BARON DE ROTHSCHILD—ADJOURNED DEBATE.

Question again proposed, "That the words proposed to be left out stand part of the Question?"

Debate resumed.

Mr. C. ANSTEY said, it was evident, from the speech which they had that morning heard from the noble Lord the Member for London that the Ministers of the Crown had no intention of supporting the Motion for enabling the Baron de Rothschild to take his seat in that House. In the view which he himself took of this question, and therefore in the mode in which he proposed to discuss it, he feared that he should be rather doing injustice than otherwise to the case of that Gentleman; for he doubted that the House would ever be allowed to go into that which constituted the more important part of the question. For this reason, then, he should trouble the House with only a very few remarks. He was sorry to observe that his hon. and learned Friend the Member for Abingdon had committed himself to such propositions as the House had heard from him. He would take, for example, the observations made by his hon. and learned Friend with regard to the case of the Quakers. From the period of the Revolution till the year 1828 the affirmation of Quakers could not be received in criminal cases; but surely it would not be supposed that his hon. and learned Friend was ignorant of the Bill that had passed upon this subject; and then his hon. and learned Friend, forgetting all that he had said about the Quakers, and forgetting also the real state of the facts, asserted that no one had ever been permitted to sit in that House without first taking the oaths, and that too in whatever manner was supposed to be most binding upon men's consciences; and even the hon. and learned Member went the length of saying that the Host was used as the medium of the ceremony of taking the oaths in that House. Now, there was not the least ground for any such statement. Did the hon. and learned Member really forget that Mr. Pease, the Quaker Member, had been admitted first without oaths, and though almost immediately afterwards a Bill was passed legalising the affirmation of Quakers in lieu of oaths? That was the thing wanted—they wanted that the Gentleman elected for London should take his seat, and that any further measures necessarily consequent upon such a step should be forthwith adopted, and that then the House of Commons do invite the House of Lords to unite with them in those measures. The main point at issue, as the House must remember, was the form of abjuration. In the common law oath the form was, "So help me God, and his holy Gospels;" but they knew, not only from the cases cited by the noble Lord the Member for London, but from much older cases, that the Old Testament was spoken of as the holy Evangelists; and anciently there were no oaths imposed which any Jew or any heathen might not take — nothing required, either by the statute or the common law, inconsistent with the principles of any church or sect. The hon. and learned Member for Abingdon had taken a distinction between the juridical and the promissory oath, but he confessed that that distinction was one which he did not understand; nor did any such distinction seem to have formerly prevailed, for from the Great Roll of Richard I. it appeared that two Jews had been appointed Judges on taking the oath. The words were these, *Benedictus de Talemunt et Josephus Aaron Judei, Justiciarii Judeorum.* Then there was the Close Roll of 31st of Henry III., containing these words, *Sacramentum fidelitatis Regi debitum pretextu officii sui;* and in the Close Roll of the 33d of Henry III., was this passage:—

> "Abrahamus filius Vines sit clericus Regis in scaccario Judeorum, loco Abrahami filii Muriel; acceptis ab eodem Abrahamo sufficientibus plegiis de fidelitate."

Thus were Jews admitted to those offices. Again, the Close Roll of the 4th of Edward I. contained the following passage:—

> "Quum Dominus Henricus Rex habere solebat quendam Judeum intendentem officio eschaetarix de catallis et tenementis quæ ad ipsum quâcumque ratione contigerint, assignavimus Benedictum de Winton Judeum ad idem, &c., accepto ab eodem sacramento corporali fideliter quod se habebit in officio predicto quamdiu steterit in eodem, &c."

As to the admission of Jews or others to a seat in Parliament on taking certain oaths, there was no particular precedent. In the reign of Edward III. the House of Commons was considered a part of the Great Council of the nation, and the law as applicable to the Great Council was applicable also to the Members of the House of Commons. The oaths taken by the Members of that body required them to keep the King's counsel private, to do right unto all, to inform the King of any league against him, to refuse all gifts from the Crown—it might perhaps be advantageous if that rule were renewed; and such oaths the Members of the House of Commons took, concluding with the words, "So help me, God," Jews being at that time admitted into Parliament; but that, of course, was before the ordinance by which they were expelled the kingdom. In the 25th of Henry III. the different communities (counties, cities, and boroughs) sent up their representatives to Parliament, occasionally those of the north, and of the south, and of Wales, constituting separate assemblies, but Jews were not excluded; on the contrary, the Close Roll of Henry III., on the 24th of January, in the 25th year of his reign, stated that the sheriffs and others were directed to send six or two Jews, according to the population. The words were—

> "Sex (vel duos, secundum numerum, &c.) de ditioribus et potentioribus Judeis nostris N. et de singulis villis comitatûs tui, in quibus Judei manent; ad tractandum nobiscum tam de nostrâ quam suâ utilitate."

On Quinquagesima Sunday, 1241, they voted for this part of the general subsidy 20,000 marks. From all this it became evident that Jews had often sat in Parliament, and were admitted to take their seats without being called on to take any oaths to which they could object. In the reign of Henry VI. the Jews not only contributed to the pecuniary wants of the monarch, but to the entertainment of the Court, for the Rachels of that age were amongst the performers who appeared before Henry VI. in dramatic pieces. At the period of the Restoration there were, however, only twelve Jews in England; but in the reign of William III. it appeared from the debates of Grey, who was thirty years chairman of Committees in that House, that the Parliament being in want of money to carry on the war with France, came to the resolution that, according to ancient custom, practised by their forefathers upon the forefathers of the Jews, they would impose on them the payment of a good round sum—such as would in a certain degree relieve the country gentlemen from the pressure of the land tax. Hence, on the 7th of November, 1689, they by resolution taxed the Jews to the amount of 100,000*l.*; but before any Bill for the purpose was introduced, the Jews presented a petition to the House, which petition was rejected because the Speaker could not recollect any case where the House received a petition respecting a Bill of which they were not yet seised. The Jews claimed by their petition not to be taxed, because they said, though some of them were aliens, many of them were naturalised subjects. The petition was not received; but so great was the effect on the House, that although the Bill was read a third time, it was not proceeded with; and what was the consequence? When next the Land Tax Act and Poll Tax Act came to be passed, the Jews were treated as natural subjects. Aliens were taxed as before, but the Jews were classified as Christians were, and taxed in specific sums certainly, but not as aliens. There was a general impost on all classes of subjects who were taxed under that law; but at the same time it contained a clause for a double impost on Nonjurors and Papists. There was a clause in that Act exempting Quakers from taking the oath, but there was no provision to exempt Jews; therefore he could not recognise the views of the hon. and learned Gentleman the Member for Abingdon, that Parliament had legislated on the subject in ignorance. With regard to the Naturalisation Act of George II., it wos unworthy of hon. Members to cheer as they did the allusion that had been made to that Act. They must have known that that was an Act for the naturalisation of foreign Jews, and that it was not their intention to qualify an alien to sit in Parliament. It was because Baron de Rothschild was not an alien—it was because Jews born in this country were as much Englishmen as hon. Gentlemen opposite—that they disliked to see them kept out of the pale of the constitution. That motive would, he trusted, cause them to persevere in their exertions, whether the ex-Ministers or Her Majesty's Government made up their minds to join in the cause of liberty and justice, and even at that late hour render reparation to a persecuted body of English subjects. One word with regard to the opinion of the noble Lord at the head of the Government. The noble Lord said, this was not a question of civil and religious liberty, but a judicial question. He (Mr. Anstey) did not know what the noble Lord meant by a judicial question; but the noble Lord approached the discussion of the question by prejudging it. Without having heard a syllable at the bar or on the floor of the House, by way of observation on the third oath—an oath which he (Mr. Anstey) should endeavour to satisfy the House—notwithstanding the opinion of the noble Lord—was an illegal oath, whether administered to a Christian or a Jew, or, if not illegal, was only so because Parliament had the power to alter it at pleasure—the noble Lord had damaged the case as much as possible by an indiscreet and unseasonable avowal, and then had gone through the solemn mockery of inviting the hon. Member for the city of London to claim, in person or by counsel, to be heard against a decision which he nevertheless told the hon. Gentleman would be inevitably against him. With regard to the distinction which had been taken by the noble Lord, he (Mr. Anstey) would remind the House that the great cause of civil and religious liberty was involved in the adjudication of every judicial question, whether brought for decision before that House or any other tribunal; and on what firmer basis could the liberties of England be placed than on the immoveable foundations of law and justice? It was a question of civil and religious liberty, and it was likewise a judicial question; and if it were a party question also, let the noble Lord blame himself for having made it so. He had done his utmost to do it, and had withdrawn from that which would be a majority, but which was now doomed to be a minority, the support of those whose only rule to guide them was what was best for the interest of the great Whig party. It was, therefore, a party question, a judicial question, and a question of civil and religious liberty; his (Mr. Anstey's) mind was made up with respect to it, and his vote would follow, and he trusted hon. Members behind him, and some of those opposite, would take the same course as he did in giving their best support to the Motion of his hon. Friend the Member for Montrose.

Mr. W. P. WOOD thought it would be improper in him to let the question go to a division without making some observations, more especially since the address which had been made to the House by the noble Lord at the head of the Government. He regretted very much that the noble Lord should have thought it necessary to pronounce any opinion at all upon the subject which, by some, was called the second question in the matter. The truth was, they could not tell whether they would come to that second question or not; they were at present on the first question, an important preliminary question, namely, whether the Member for the city of London was to take the oaths at the table of the House. The question was, whether they would adopt the resolution of the hon. Baronet the Member for the University of Oxford, or the Amendment of the hon. Gentleman the Member for Montrose. With reference to the Motion of the hon. Baronet the Member for Oxford University, he (Mr. Wood) thought that the hon. Baronet had almost abandoned it himself. He had expressed his readiness to withdraw it; but he (Mr. Wood) did not think he should do so, for he thought the resolution ought to be negatived. It was impossible for any person to maintain their ground on that Motion. He had not heard a single observation from the hon. and learned Member for Abingdon in favour of it; and it was contrary to what every day took place, to say that persons could not take their seats without making a declaration that they were Christians. It was well known "the Moravians" and "Friends" don't do so, yet they can take their seats; and by the Act of Parliament any person who was either a Moravian, or member of the Society of Friends, may take his seat without making that declaration at all. With respect to the Amendment which had been proposed by the hon. Member for Montrose, they had heard a legal argument from the hon. and learned Member for Abingdon, which required attention, and he should wish to offer one or two observations respecting it. With reference first of all to the Motion of the hon. Member for Montrose, he (Mr. Wood) ventured to assert, when he first addressed the House on the subject on Friday, that no lawyer would be found in that House who could hesitate for a moment to say that it was the common right of every individual to be sworn in that manner that he should think most binding on his conscience. He was happy to find that that proposition had not been controverted as a general proposition, and he was sure no person could controvert it; but an attempt had been made to distinguish this case from others, and take it out of the general proposition, by saying that they should exclude all oaths that were of the character of an oath of office; and secondly, that there was some peculiar limitation in the statute relating to Members taking seats in Parliament that should preclude this case from the application of the general rule. With respect to its being limited to judicial oaths, and not applicable to oaths of office, he did not hear the hon. and learned Gentleman cite an authority in support of that proposition. No such authority could be cited, and there was abundance of authority in jurisprudence, not confined to their own country, the other way. He might also say, in reference to oaths, that at one time in this country the general assumption was, that every person was a Christian; and thence alone grew up the mode of administering oaths on the holy gospels, and it became the general practice of administering oaths. But the moment the question arose whether or not that particular mode of administering the oath would be binding on the consciences of the persons to be bound by it, that instant, with the keen common sense which distinguished the laws of their country, our Judges determined, in conformity with the proceedings of other countries, that the question which they had to ask in administering an oath is, have you got the religious sanction, and bound the party by a declaration that he makes in the presence of a God whom he believes to be an avenger of falsehood. That was laid down in the *Roman Digest;* and in the case of "Omychund *v.* Barker," a passage was cited from it, to the effect, that everybody might swear by his own superstition, as the Emperor was pleased to call it, and no question was to be asked as to what the man had sworn by. That was the law of the Roman empire. The Church was equally liberal; in the 154th Epistle of St. Augustine there were these words:—

> "If you will not admit the oath of an idolater"—for that was the question referred to him—"there is no adequate method of making a covenant with him, or of binding him to keep his word, or of preserving the public peace. It is not forbidden by any law of God to employ for a good purpose the oath of that man whose fault consists in swearing by false gods, but who keeps the faith to which he is pledged."

The only thing then, according to the testimony of St. Augustine, into which inquiry was to be made, was not as to what gods the man had sworn by, but whether he believed that the deity by whom he had sworn was an avenger of falsehood. He had also looked into the laws of Alphonso, and found in an old copy, printed in 1491, dedicated to Ferdinand and Isabella—and no person could believe that they were favourable either to Jews or to Moors—he found, in "Law 20," the forms given of the mode of swearing both Moors and Jews; and the general principle adopted in these forms was, that in swearing a man they were to swear him by that which was binding on his conscience, and they were not so absurd as to swear him by that which he did not believe. Leaving, however, the laws of Alphonso, he would come to the state of the law on the subject in France. In June, 1755, a question of considerable importance was raised before the Parliament of Paris, which was, whether a man who was a Jew should be allowed to be sworn in a different manner than that prescribed by law—whether, in fact, he should be sworn according to his own mode. Considerable discussion took place on the question, and the prisoner, getting weary of it, put on his hat, took the Bible out of his pocket, held it in his left hand, placed his right hand upon it, and said, "*Je le jure;*" upon which the President decided that he had taken the oath in that form. A question also arose, under the Code Napoleon, which expressly enjoined the mode in which every man should be sworn, which was that he should hold up his arm and swear, using the words *Je le jure.* The question which arose was whether a Jew, notwithstanding the directions contained in the code, should be allowed to swear in his own accustomed form, and it was decided that he could. After the publication of the "Code," another Act was passed by the French Legislature, which provided that Jews, in the matter of oaths, should be placed upon the same footing as all other foreigners, and upon this law two questions arose, which came before the Court of Cassation. The first was, whether a Jew could, after he had been placed upon the same footing with all other foreigners, still be "allowed" to be sworn according to his old mode, and it was decided in the affirmative. The second question which arose was, whether, if after he had been placed upon the same footing, and had expressed his willingness to be sworn according to the established rule, he could be "forced" to take the oath according to the old form, and it was decided, that since he had declared he would stand upon the same footing, and as the general rule bound him, he should be allowed to be sworn in the new form. What had been done in our country? He would refer to the great case of Omychund *v.* Barker, and would cite one passage from the argument of the Solicitor General of that day, who stated, with respect to alterations in the form of oaths—

> "All occasions do not arise at once; now a particular species of Indians appears; hereafter another species of Indians may arise; a statute very seldom can take in all cases, therefore the common law, that works itself pure by rules drawn from the fountain of justice, is for this reason superior to an Act of Parliament."

This was a matter of some consequence, as affecting the second branch of the question. The Lord Chief Baron also went at some length into the question. In giving his opinion he said—

> "The law of England is not confined to particular cases, but is much more governed by reason than by any one case whatever. The true rule is laid down by Lord Vaughan, fol. 37, 38. 'Where the law,' saith he, 'is known and clear, though it be unequitable and inconvenient, the Judges must determine as the law is, without regarding the unequitableness or inconveniency. Those defects, if they happen in the law, can only be remedied by Parliament; but where the law is doubtful, and not clear, the Judges ought to interpret the law to be, as is most consonant to equity, and least inconvenient."

The step which Lord Chancellor Hardwicke took in this case was a very strong one. The commission, as the House was probably aware, had always run *tactis sacro-sanctis Dei evangeliis*, and "on the corporal oath," but these words were all ordered to be struck out of the commission. But his hon. and learned Friend had stated that this form of oath did not apply to oaths of office. He had, however, completely answered his own argument, for, in the course of his speech, he referred to the Declaratory Act of the 1st and 2nd Victoria, c. 105, and stated that being only a Declaratory Act, it could not alter any existing Act, but was merely declaratory of its meaning. He (Mr. Wood) fully admitted that to be the case with respect to the 1st and 2nd Victoria, c. 105. But what did that Act declare? It declared—

> "That in all cases in which an oath may lawfully be and shall have been administered to any person, either as a juryman or a witness, or a deponent in any proceeding, civil or criminal, in any court of law or equity in the United Kingdom, or on appointment to any office or employment, or any occasion whatever, such person is bound by the oath administered, provided the same shall have been administered in such form and with such ceremonies as such persons may declare to be binding."

There was, therefore, an end to the line of distinction drawn by the hon. and learned Member, as between judicial oaths and oaths of office, for this Act which was a declaratory one, declared it to be the law that persons taking the oath of office or of employment were bound by such oath as they might themselves declare to be binding. The remaining part of the hon. and learned Member's argument was founded upon this state of things; he said that the oath of supremacy set forth in 1st Elizabeth, c. 1, was, by the 5th Elizabeth, c. 1, directed to be taken by the Members of the House of Commons upon the Holy Evangelists; and by the 7th of James I., the oath was also directed to be taken by Members of Parliament in the same mode, and that, therefore, it was impossible for a Jew to take the oaths so presented. But the requirement that the oath should be taken upon the Holy Evangelists applied merely to the form, and stated nothing whatever about the substance of the oath. The necessity, however, for taking this oath did not stand upon that Act, but upon 30th Car. II., s. 2, which referred to the oaths of allegiance and of supremacy, which were directed to be taken before the High Steward upon the Holy Gospels, by the 5th Eliz., cap. 1. The 30th Car. II., s. 2, enacted that no Member of the House of Commons should be allowed to take his seat "until from time to time respectively, and in manner following"—nothing whatever was said about the Holy Gospels—"he shall first take the several oaths of allegiance and supremacy, and make, subscribe, and audibly repeat this declaration following," which was the form of the declaration against Transubstantiation. But what was "the manner following," in which the oaths were to be taken?—

> "Which said oaths and declarations shall be in this and every succeeding Parliament solemnly and publicly made and subscribed, betwixt the hours of nine in the morning, and four in the afternoon, by every such Peer and Member of the House of Peers at the table in the middle of the said House before he takes his place in the said House of Peers, and whilst a full House of Peers is there, with their Speaker, in his place, and by every such Member of the House of Commons at the table in the middle of the House, and whilst a full House of Commons is there duly sitting, with their Speaker in his chair, and that the same be done in either House in such like order or method as each House is called over by respectively."

His hon. and learned Friend said, that Members of Parliament still took their oaths upon the Act of Charles II. That was quite true, but they did not take them upon the statutes of either 5th Elizabeth or 7th of James I. For, although the 1st of William and Mary, sess. 1, cap. 1, might have left unrepealed the 5th Elizabeth, c. 1, and the 7th James I., c. 6; still, by the 1st of William and Mary, sec. 1, c. 8, an Act for abrogating the oaths of supremacy and allegiance, and appointing other oaths, it was enacted that from henceforth no person should be obliged to take the oaths prescribed by the 5th Elizabeth, c. 1, and the 3rd James I., c. 4, and that the said oaths themselves should be, and were, thereby repealed, utterly abrogated, and made void. The oaths which were required to be taken before the High Steward were those prescribed by the 5th Elizabeth, c. 1, and that was the only oath required to be taken before the High Steward; and by the 1st of William and Mary, sess. 1, c. 8, that oath was altogether given up. The only remaining oath then in existence was that contained in the 1st of William and Mary, sess. 1, c. 1, which substituted different oaths, and directed them to be taken in the manner directed by the Act of 30th Charles II., s. 2. They had nothing whatever to do with the oaths directed to be taken before the High Steward and upon the Holy Gospels; for the Act of 30th Charles II. only required that the oaths should be solemnly and publicly taken. This brought him to the consideration of the second question which had been discussed, and upon this point he would only say, that having at present but one question upon which to deliberate, he believed that that second question had been most improperly introduced into the discussion, and he regretted that the noble Lord at the head of the Government should have thought it right to express his opinion upon that question at the present stage of the discussion. The hon. and learned Member for Buteshire had made use of an expression to which he (Mr. Wood) felt bound to refer, to the effect that Baron de Rothschild and those hon. Members who were in favour of his claim to be allowed to take his seat, were taking an unfair advantage of the House by the course they were pursuing, and let fall something about special pleading. In his (Mr. Wood's) opinion, this was purely a legal question, which was, whether a party was to forfeit some very important civil rights upon his own part, or whether the electors of the city of London were to be deprived of his services in the discharge of a very important trust which they had confided in him, upon a merely technical quibble of the driest description, and deprived of those advantages, too, by an Act which declared that if he failed to conform to it, he should be treated as a Popish recusant, and be liable to all the consequent pains and penalties which could not therefore by possibility apply to Jews. He believed that he was justified in saying that Baron de Rothschild would have recourse to every legal means to establish his position, and it was but right that there should be a distinct understanding upon that point. He had been advised by those competent to advise him, that it was expedient that this question should first be determined, whether or not he should be allowed to take the oath in such a form as should be binding upon his own conscience. That might lead hereafter to some further question as to the distribution of the oaths; but at present they had not that question before them. There was one point to which he would allude before concluding, which was material, with a view of clearing Baron de Rothschild's character from any aspersions which might be cast upon it. He had heard a rumour to the effect that it had occurred to the hon. Member to present himself at the table, and to ask for the Roman Catholic oath, in order to evade the necessity of taking the oath upon "the true faith of a Christian." This was a most unfounded charge; for he was able most positively to state that such an idea had never once crossed the hon. Member's mind as that of approaching the table as a Roman Catholic. No person could use the Roman Catholic oath without either, in word, or by the act of asking for that oath, professing himself to be of the Roman Catholic faith. From all that he knew of Baron de Rothschild he had every reason to believe that a more honourable man did not sit in that House. He could not say that some person might not have suggested such a course to him; but the moment such suggestion was made, it was rejected, as being unworthy to be entertained even for a moment. He could inform the House that Baron de Rothschild would throughout these proceedings take, as he had before stated, every advantage which the law gave him in his position, but he would probably think it his duty not to take any legal advantage without giving the House full notice of his intention. In conclusion, he was surprised that his hon. and learned Friend the Member for Abingdon should have revived the old exploded error with reference to the Jew Bill 13th of George II., which was a Bill simply to enable foreign Jews to naturalise themselves. It was clearly settled that English-born Jews were not aliens, and Lord Mansfield, when he was Chief Justice of the Court of King's Bench, had settled the case for ever by buying a freehold house from a Jew. Under all the circumstances, he trusted that the House would agree with him to reject the Motion of the hon. Baronet the Member for the University of Oxford, and to accept the Amendment of his hon. Friend the Member for Montrose.

MR. J. S. WORTLEY said, he did not mean to follow the hon. and learned Gentleman into the arguments and details he had just addressed to the House. He was anxious just to state in a few words the ground upon which he intended to vote against the Motion of the hon. Member for Montrose. He did not rest much upon the argument that the hon. Member for London must of necessity take the two oaths to which he did not object upon the Holy Evangelists; nor was he disposed to maintain, that in the case of oaths of this description the general principle of Lord Hardwicke's Act was not applicable. If he were to form an opinion at the present moment, he believed it would be in favour of the more liberal view of the question, that the party swearing—whether it were a promissory oath or a judicial oath—should be sworn in the form most binding on his conscience. But the principle on which he should vote against the Motion of the hon. Member for Montrose was, that according to all the practice of Parliament, according to all the information which they had from the Journals of the House as to their mode of proceeding in taking oaths, it appeared that the oaths were taken jointly, and were contemplated jointly, and not considered one at a time. But even if they were permitted to put the oaths separately, it seemed to him that it would be manifestly absurd in this case to do so, because they had had the hon. Member at the table, and had asked him what he meant by requesting to be sworn on the Old instead of the New Testament, and he had told them that it was because he considered that the mode which would be most binding on his conscience. Well, what was the necessary inference from that? That he was not of the Christian persuasion. It was true that the hon. Member had not stated that he was a Jew; but if he refused to be sworn on the Gospels, he thought the necessary inference must be that he was not of the Christian persuasion. He repeated, then, that it was manifest trifling—the hon. and learned Member for Oxford was mistaken in supposing that he had used the words "unfair advantage;" but he repeated that the course which the friends of the hon. Member were now pursuing was trifling with the question, because he did feel that it was trifling with the question to ask the hon. Member to take two oaths with all the solemnity of kissing the Old Testament, when they knew that at the next step, upon the occurrence of the words "upon the true faith of a Christian," they must turn upon him and shut the door against his admission. These were the grounds upon which he should vote against the Motion.

Question put, and negatived; Words added; Main Question, as amended, put.

The House divided:—Ayes 113; Noes 59: Majority 54.

List of the AYES.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Barnard, E. G.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Bernal, R.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Caulfeild, J. M.
Clay, J.
Clements, hon. C. S.
Cobden, R.
Collins, W.
Craig, Sir W. G.
D'Eyncourt, rt.hn.C. T.
Disraeli, B.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Forster, M.
Fortescue, hon. J. W.
Fox, W. J.
Freestun, Col.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, Sir B.
Harris, R.
Hatchell, J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hobhouse, T. B.
Hume, J.
Hutt, W.
Jocelyn, Visct.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Lennard, T. B.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
Martin, J.
Matheson, A.
Maule, rt. hon. F.
Melgund, Visct.
Milnes, R. M.
Moffatt, G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Norreys, Lord
O'Brien, Sir L.
O'Connor, F.
Ogle, S. C. H.
Osborne, R.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Sir G. B.
Pelham, hon. D. A.
Pinney, W.
Reynolds, J.
Rich, H.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Salwey, Col.
Scully, F.
Shelburne, Earl of
Sidney, Ald.
Smith, rt. hon. R. V.
Stanley, hon. W. O.
Stuart, Lord J.
Tancred, H. W.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. S.
Tufnell, rt. hon. H.
Vane, Lord H.
Wakley, T.
Wall, C. B.
Wawn, J. T.
Westhead, J. P. B.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Wood, W. P.
Smith, J. A.

List of the NOES.

Arbuthnott, hon. H.
Ashley, Lord
Bagot, hon. W.
Baldock, E. H.

Barrington, Visct.
Blackall, S. W.
Bowles, Adm.
Broadley, H.
Brooke, Sir A. B.
Burghley, Lord
Burrell, Sir C. M.
Carew, W. H. P.
Cochrane, A. D. R. W. B.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Dodd, G.
Duckworth, Sir J. T. B.
Egerton, W. T.
Floyer, J.
Gordon, Adm.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Henley, J. W.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hotham, Lord
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Lacy, H. C.
Legh, G. C.
Lewisham, Visct.
Lockhart, A. E.
Lygon, hon. Gen.
Meux, Sir H.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Pennant, hon. Col.
Plowden, W. H. C.
Plumptre, J. P.
Pugh, D.
Richards, R.
Simeon, J.
Stafford, A.
Stanley, hon. E. H.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Vivian, J. E.
Vyse, R. H. R. H.
Walpole, S. H.
Wortley, rt. hon. J. S.
Yorke, hon. E. T.

TELLERS.

Spooner, R.
Beresford, W.

"*Ordered*—That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having presented himself at the Table of the House, and having previously to taking the Oaths requested to be sworn on the Old Testament (being the form which he has declared at the Table to be the most binding on his conscience), the Clerk be directed to swear him in on the Old Testament accordingly."

MERCANTILE MARINE (No. 2) BILL.

Order for Third Reading read.

Lord J. RUSSELL moved the Third Reading of this Bill.

Bill read 3°.

Mr. ANDERSON, in the absence of the noble Lord the Member for Colchester, begged to move the insertion of the following Clause:—

"And be it Enacted, That so much of the General Seamen's Act, contained in Sections 50 and 51, 7 and 8 Vic. c. 112, as relates to seamen entering on board a ship of war, shall be repealed; and be it further Enacted, That if any seaman, after signing the agreement as hereinbefore required, or any apprentice, wilfully neglects or refuses to join his ship, or deserts, and then, or afterwards, is found or arrives at any place in which there is a Court of Justice capable of exercising jurisdiction under this Act, he shall, on due proof of the offence, and when practicable of a proper entry thereof in the official log-book, be summarily punished, by forfeiture of wages and imprisonment for a period not exceeding twelve weeks, with or without hard labour, at the discretion of the Court of Justice inflicting the same."

Brought up, and read 1°.

Motion made, and Question proposed, "That the said Clause be now read a Second Time."

Motion, by leave, withdrawn.

Clause withdrawn; Amendments made; Bill passed.

THE QUEEN'S MESSAGE—THE PRINCE OF WALES.

House in Committee.

Motion made, and Question put—

"That it is expedient to enable Her Majesty to settle Marlborough House on His Royal Highness Albert Edward Prince of Wales, during the joint lives of Her Majesty and His Royal Highness, and to provide suitable coach houses and stables for the same, out of the Land Revenues of the Crown."

Mr. TRELAWNY wished to know, before assenting to the resolution, why the noble Lord had refused to grant certain returns which had been moved for with respect to the Duchy of Cornwall?

Lord J. RUSSELL replied, that there were certain returns which were by Act of Parliament directed to be laid before the House with respect to the Duchy of Cornwall, and these returns were always punctually given. With respect to the returns to which the hon. Gentleman referred, he had to say that the House, having in the early part of the Session negatived the hon. Gentleman's Motion that Parliament should assume a control over the revenues of the Duchy of Cornwall, he did not think it necessary to grant the returns which had been asked for.

Mr. HUME said, it appeared to him that the resolution they were now asked to agree to was rather premature, considering that the Prince of Wales was only nine years of age. It would be recollected that a misunderstanding took place before with reference to Marlborough-house, when it was voted to the late Queen Dowager. It was generally understood that Her Majesty was to keep it in order herself, but it turned out that the House had resolved that it should be kept in repair at the expense of the nation, and a bill for 44,000*l*. was accordingly sent in for repairing it, and we had had to keep it in repair ever since. He did not see the use of appropriating Marlborough-house to the Prince of Wales so many years before it could be wanted by him.

Lord J. RUSSELL said, he had mentioned the proposal to several hon. Members before bringing it forward, and he had never heard any objection to it till now. His hon. Friend did not seem to remember what he had formerly stated to the House. What he had stated was, that Marlborough-house being Crown property the Queen had been graciously pleased to direct that the pictures of the Vernon Gallery, which were then in the National Gallery, but in a place where it was complained they were not well seen, should be removed to Marlborough-house, in order that the public might have an opportunity of seeing them. He thought that that should not be forgotten in connexion with this question. It certainly did appear to Her Majesty's Government that now would be a proper time to advise Her Majesty to ask Parliament to make a settlement with respect to the Prince of Wales's residence in Marlborough-house. They did not think it desirable that Marlborough-house should be occupied with pictures, or with any other thing, until it could be said that it had been so long occupied in that way that it would be wrong, without having ever mentioned the matter before, to give it to the Prince of Wales. The Government thought it better, instead of leaving room for an objection of that kind, to advise Her Majesty to send a message to Parliament on the subject now. He repeated that he had not heard any objection to it before, and he could hardly have proposed it later in the Session than the present time.

Mr. HUME would remind the noble Lord that he had objected to the removal of the Vernon pictures to Marlborough-house. What he wanted was that the Government should remove the Royal Academy in order to make room for that addition to the national collection. They would then have only one establishment instead of two. In order to take the sense of the Committee on the matter, he would move that the Chairman report progress.

Mr. SPOONER thought that he had heard the word "stables" in the resolution. He wished to know why stables were to be provided?

Lord SEYMOUR said, he could explain that point. A good many years ago, when the Act was passed for the erection of Carlton-terrace, it was intended that the terrace should be carried somewhat further than it actually was carried. There were stables in connexion with Carlton-house, and, as the House was aware, these were given up to the late Queen Dowager, and, the Riding-house was devoted to the Records. There was now an opportunity of getting the Records removed, and he thought that this would be a good opportunity of getting rid of the stables also. He had asked what was the value of the property to the land revenues of the Crown; and he had been told that it was worth from 16,000*l.* to 20,000*l.* It had appeared to him, therefore, desirable that they should remove those stables, and replace the stables formerly belonging to Marlborough-house, but which were pulled down. He believed that the land revenues would be benefited about 800*l.* a year by the extension of Carlton-terrace. He had thought this the best opportunity they could have of providing stables for Marlborough-house; for to whatever purpose it might be applied, the stables would be useful. He had thought the arrangement rather a good one on both accounts, and therefore he had proposed that it should be carried out.

Mr. TRELAWNY said, perhaps it would be better if he moved for the returns he wished as an amendment. [An Hon. Member: You can't.] The House ought to be exceedingly jealous with regard to the revenues of the Duchy of Cornwall. It was well known that in two instances in the last century Parliament had been called on to pay the debts of the Prince of Wales, and they had once taken the property of the Duchy of Cornwall as a security for debts contracted by the Prince of Wales.

Mr. HUME said, that they ought not to add another building to the establishments of Royalty, while it was evident that they could not all be occupied. He wished to know why the Government were sustaining this grant; they should leave the question to a Parliament that was to come after them. He asked the noble Lord not to press the matter on the House now for a decision, as a more fitting time would yet come for its consideration.

Mr. BRIGHT said, that he thought that the reason given by the noble Lord was not sufficient to justify the course which he had taken. The noble Lord stated that it was his wish to have an arrangement now made in order that the public some seven or eight years hence, when it may be proper to give a residence to the Prince of Wales, may not be annoyed when the removal of the pictures would be required for that purpose. If it should be a proper thing that Marlborough-house should be given to the Prince of Wales at such a time, he did not think there would be any difficulty in doing it—because, as the matter had been thus fully discussed, it would be well known that the pictures were only there for a temporary purpose, until a more fitting place should be found for them. If that were the fact, he did not think that they should determine the matter that night; and if the reason given by the noble Lord were the only one he had for calling upon them to settle the question that night, he felt that it was not sufficient to induce the House to agree with him. If he had any better reason he ought to state it.

Colonel SIBTHORP proposed to take the sense of the House on the matter. He thought that this attempt at increased expenditure was in perfect accordance with the extravagant system pursued by Her Majesty's Government.

The CHANCELLOR of the EXCHEQUER said, that hon. Gentlemen seemed to be under the apprehension that there was some great expense to be incurred. The House might remember that some years ago the house was settled on Prince Leopold, and then on the Queen Dowager, with stables. She held the house with the stables in Carlton-ride. It was now the intention to complete Carlton-terrace, only one-half of which was fully completed; and for the purpose of finishing the incomplete half which ran into Carlton-ride, it was necessary to remove those stables, and to replace them on a smaller scale where they originally stood. It was a most advantageous arrangement for the public, as the terrace would be continued, and their property would be made more use of. It was no unreasonable request to ask that the stables should be taken away for the purpose of putting them where they were before. No establishment was to be kept up in Marlborough-house, and no expense would be gone to more than that now incurred by keeping up the National Gallery. There would be no establishment kept up beyond that which would be necessary in any case whatever; for they must have a porter at the gate, and somebody in the house, who would prevent it from suffering any of that mischief to which every unoccupied house was liable. The only question now was, whether they were prepared to take away the stables which were now adjoining the houses in Carlton-ride, for the advantage of the public, and in exchange for them to erect stables on a smaller scale in the original place.

Mr. HUME said, that the ground for making the demand was now changed. At first the damand was made for the endowment of Marlborough-house, but now it was for the extension of Carlton-terrace. He did not see any necessity for connecting the name of the Prince of Wales with Carlton-terrace. He hoped that the Government would postpone the consideration of the question till next year.

Mr. HENLEY said, that he did not see any reason why this House should hamper itself with what may happen in nine years hence. How could anybody say that there may not be changes of opinion as to what may be desirable to be done with either Buckingham Palace or Marlborough-house during that period. On similar matters changes of opinion had taken place within the last twenty-five years. Suppose then that they now voted that this house should be given as a place of residence to the Prince of Wales, and that a change of opinion took place, they would be compelled to buy the Prince of Wales out of that which they had originally given him, and then they would have to assign to him another house. With regard to the stables, they were the property of the Crown, and did not require any Act of Parliament to give them over to the Crown. He thought it unreasonable to ask the House now to decide upon giving Marlborough-house as a residence to the Prince of Wales in nine years. As to the argument of the noble Lord, he did not think it worthy of the consideration of the House, and he would give his vote in favour of postponing the consideration of the question.

Mr. TRELAWNY believed that if the returns he asked for were granted, it would appear that so large a revenue might be produced from the duchy of Cornwall that it would be unnecessary to ask the House to vote any establishment for the Prince of Wales.

Mr. CAREW said, that as long as so much mystery was observed about the income of the duchy of Cornwall, it was the duty of hon. Members who represented the west, and of financial reformers generally, to resist any grants to the Duke of Cornwall.

Mr. DUNCAN warned the noble Lord at the head of the Administration that he was doing a vast deal of injury to his Government by refusing to postpone this vote until next year.

Lord J. RUSSELL was not proposing any grant to the Prince of Wales, nor was anything to be taken from the duchy of Cornwall. The proposition was, that when the Prince was 18 years of age he should have possession of Marlborough-house. Four months ago he stated that the Government would make this proposition. Whether the House settled this question to-night or next year was the same thing, but he did not see any advantages in postponing the vote.

Mr. HUME thought that before the House voted residences and establishments to the Prince of Wales, they and the public had a right to know what amount of savings had arisen from the income of the duchy of Cornwall, where it was, how it was applied, and whether this property had been properly taken care of. The question of voting Marlborough-house would then be fit for consideration, but until that period it was wholly unnecessary for the present to hamper a future Parliament.

Mr. Alderman SIDNEY: If the noble Lord forced the House to divide, he would place hon. Members in a most unpleasant position. It certainly did appear to be wholly premature for the House to be discussing the question of a residence for a youth of nine years of age. The Prince might dislike the house as a residence when he became 18. The present vote, following as it did a recent vote of that House with regard to another member of the Royal Family, which was regarded as a piece of great extravagance out of doors, might lead the public to infer that the House had nothing to do with their surplus revenue but to find palaces for the Royal Family. He trusted that the noble Lord would consent to postpone the resolution.

The Committee divided:—Ayes 68; Noes 46: Majority 22.

List of the Ayes.

Abdy, Sir T. N.
Adair, R. A. S.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Berkeley, Adm.
Blakemore, R.
Bowles, Adm.
Bramston, T. W.
Brotherton, J.
Chatterton, Col.
Christy, S.
Clay, J.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
D'Eyncourt, rt. hn. C. T.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Ferguson, Sir R. A.
Forster, M.
Freestun, Col.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grey, R. W.
Hamilton, G. A.
Hatchell, J.
Hawes, B.
Hervey, Lord A.
Hobhouse, T. B.
Howard, Lord E.
Labouchere, rt. hon. H.
Lewis, G. C.
M'Cullagh, W. T.
M'Gregor, J.
Maule, rt. hon. F.
Moffatt, G.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Pelham, hon. D. A.
Plowden, W. H. C.
Plumptre, J. P.
Pugh, D.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Seymour, Lord
Sheil, rt. hon. R. L.
Sheridan, R. B.
Smythe, hon. G.
Somers, J. P.
Stanley, hon. W. O.
Tancred, H. W.
Tennent, R. J.
Thompson, Col.
Thornely, T.
Trevor, hon. G. R.
Tufnell, rt. hon. H.
Turner, G. J.
Walpole, S. H.
Wilson, J.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Anderson, A.
Anstey, T. C.
Arkwright, G.
Baldock, E. H.
Bright, J.
Carew, W. H. P.
Caulfeild, J. M.
Clive, H. B.
Cobden, R.
Dick, Q.
Dickson, S.
Duncan, G.
Duncuft, J.
Evans, Sir De L.
Fox, W. J.
Greene, J.
Grenfell, C. P.
Harris, R.
Henley, J. W.
Henry, A.
Heywood, J.
Heyworth, L.
Hotham, Lord
Kershaw, J.
King, hon. P. J. L.
Lacy, H. C.
Langston, J. H.
Newdegate, C. N.
O'Brien, Sir L.
O'Connor, F.
Osborne, R.
Perfect, R.
Richards, R.
Salwey, Col.
Sibthorp, Col.
Sidney, Ald.
Spooner, R.
Stanford, J. F.
Stuart, Lord D.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Wawn, J. T.
Williams, J.
Willoughby, Sir H.
Wood, W. P.

TELLERS.

Trelawny, J. S.
Hume, J.

Resolution to be reported To-morrow.

BARON DE ROTHSCHILD.

On the Question that the House go into Committee of Supply,

Mr. NEWDEGATE wished to ask a question of the hon. and learned Gentleman the Member for the city of Oxford. He had to ask if he could inform the House whether the hon. Gentleman who had been elected for the city of London would present himself at the table of the House to-morrow for the purpose of taking the oaths? He also wished to know, seeing the hon. and learned Member had declared his intention of renewing the discussion, whether he would renew it when the hon. Gentleman who had been elected for the city of London claimed his seat?

Mr. W. P. WOOD had to state, in answer to the first question put to him, that it was the intention of the hon. Member for the city of London to present himself at the table of the House to take the oaths at twelve o'clock to-morrow. With reference to the second question, as to renewing the discussion, what he had stated was, that there was only one question before the House, and that he would reserve any observations he had to make upon any other question that might arise at a future stage of the business till that stage occurred.

Mr. C. ANSTEY would ask the hon. Member for North Warwickshire if he intended to renew the discussion?

Mr. NEWDEGATE had asked the question at the request of several Members who might have been inconvenienced by irregularity of discussion.

Subject dropped.

SUPPLY—EXHIBITION IN HYDE PARK.

Order for Committee read.

Account of Moneys in the Exchequer [presented 12th July], and Estimate of Monument to Sir Robert Peel [presented 25th July], referred.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

Colonel SIBTHORP begged to move the Amendment of which he had given notice. He had no personal motive in moving as he did in this matter, but stood forward simply to speak for those who could not individually stand forward for themselves. He knew well he would have the sense of the House against him on this matter. He could not command success, but he would nevertheless do his duty. It was a crying shame that a set of begging-boxes of all descriptions should have been sent about in behalf of this Exhibition, and that the highest in the land, the highest in rank, except the Sovereign, should be going about to extort money by threats, for the purpose of carrying on a measure so injurious to the interests of this country. No less than 1,500 foreigners had been disembarked in this country yesterday, many of whom, no doubt, had been surveying the ground where this Exhibition was to take place, and looking after matters with a view to their own interests.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased to direct the Attorney General to give his sanction to the filing of the proposed Information for an Injunction to restrain the erection of any buildings in any part of Hyde Park for the intended Exhibition of 1851,' instead thereof."

The **ATTORNEY GENERAL** said, he had already entered fully into the grounds on which he had thought it his duty to refuse his signature to the information which had been laid before him, and he did not propose to repeat that statement. The hon. and gallant Gentleman now proposed an address to the Queen to direct the Attorney General to give his sanction to the filing of an information for an injunction to restrain the erection of certain buildings in Hyde Park. Now, he was satisfied that no lawyer would say the Attorney General had not a discretionary power in this matter. But what was it the hon. Gentleman proposed? He asked the House to call upon the Crown to interfere with the first law officer of the Crown upon a question with which the House was not at all conversant, a proposal which he was satisfied would never receive their sanction.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

SUPPLY—NAVY ESTIMATES.

(1.) Motion made, and Question proposed—

> "That a sum, not exceeding 731,206*l.*, be granted to Her Majesty, to defray the Charge of Half-Pay to Officers of the Navy and of the Royal Marines, which will come in course of payment during the year ending on the 31st day of March, 1851."

Mr. HUME wished to know how far the recommendations of the Committee of 1848 on the Navy Estimates were to be carried out with regard to the admirals? The Committee stated that there were 150 admirals, and recommended that they should be reduced to 100; and everybody must see that so long as a dead weight like this lay on the department, relief from a heavy expenditure was impossible. He knew that a great many of the admirals were superannuated officers; but there was a far larger proportion than ought to be. What use had we for 150 admirals, when not more than 12 or 13 were employed? He would move that the vote for the admirals be reduced by 3,000*l.*

Whereupon Motion made, and Question put—

> "That a sum, not exceeding 728,206*l.*, be granted to Her Majesty, to defray the Charge of Half-Pay to Officers of the Navy and of the Royal Marines, which will come in course of payment during the year ending on the 31st day of March, 1851."

Sir F. T. BARING opposed the Amendment. It might be all very well for the hon. Member for Montrose to take away the amount he proposed to cut off if he could scratch off the admirals with the same facility; but he could not suppose the hon. Gentleman was serious in proposing to take away the half-pay of any of those officers. He had referred to the recommendation of the Committee; but the hon. Gentleman must be aware that that recommendation was carried only by a majority of one, and that the chairman, who had made a different proposition, was not permitted to vote. The real point which they ought to have in view was to keep the service efficient; and, under all the circumstances, he thought it would be unwise to make any alteration in the present arrangement. He did not think promotion had been too rapid. Last year there were 14 promotions of captains to admirals, being one out of 38; 12 commanders were promoted to captaincies, being one out of 17; and 33 lieutenants were made captains, being one out of 70. It should be remembered that it was by means of the half-pay that the country kept the officers in the service. Not indeed for the sake of the half-pay itself, but they continued in the service in the hope of ultimately attaining those distinctions and rewards which they looked forward to and valued more than any actual amount of pay they might receive. The half-pay in the American navy was much higher than in the British Navy. Without going into details, he would admit that there might be reasons for reducing the higher class of officers as well as the lower; but he did not think it was advisable at the present moment to press any such arrangement. Since 1831 the decrease of the sum granted for half-pay had been no less than 150,000*l.* That he considered to be a very important reduction.

Captain PELHAM looked for the remedy of the evil complained of in increased economy in naval expenditure generally, which might be secured without at all imparing the efficiency of the service; and if such economy were really carried out, the country would, he believed, enable the Government to place the retired list on a proper footing. In the last two years a saving of 800,000*l.* had been effected in connexion with the dockyards and the building of ships; and, if the contract system were revived, a still further saving might be effected. A great reduction might also be safely made in the number of persons employed in the fleet. He could not go with the hon. Member for the West Riding in his scheme for reducing the naval expenditure to the exact amount at which it stood in 1835; but, nevertheless, he thought the number of seamen might be considerably reduced, and yet be sufficient for the service of the country. The number of men employed in 1822 was 21,000; the number asked for two years ago was 43,000, and even now it was proposed to have 39,000. If 5,000 men were struck off, there would still be 34,000, or 13,000 more than in 1822. It would not be easy to show that the country required double the number of men employed nearly thirty years ago, either on account of the extension of her commerce, or of the increased wants of her colonies. Since that period had been created the steam navy, which had made it much easier than formerly to reinforce the squadron in distant parts of the world. He did not expect to see a thorough reform in the Admiralty until the Board, with the exception at least of the First Lord, had ceased to be political, and had become permanent. He regretted that he could not vote with the hon. Member for Montrose.

Mr. COBDEN was astonished at the conclusion at which the hon. Gentleman had arrived, after arguing in favour of a reduction of the expenditure in the Navy. Those who spoke out of doors sometimes accused the House of having an aristocratic leaning, and of almost confining themselves to proposals to cut down the weaker and humbler portions of the service. The justice of that accusation would now be tested. The report recommended that the number of admirals should be gradually reduced from 150 to 100, not by dismissing any admirals, not by depriving any existing admirals of their flag, rank, or pay, but by making only one promotion for three deaths until the desired diminution had been effected. The country would now have an opportunity of judging how far that House was disposed to treat fairly and equitably different classes of public servants. A considerable number of shipwrights had been dismissed, and meetings had been held to raise subscriptions for their relief. The Committee on the Estimates declared that only fourteen admirals could be employed. Would the House, then, reject the reasonable proposition before it? Then were told that even at present the officers of the Navy had but little chance of promotion. It must be recollected that they were living in a time of peace; and those who entered the Navy must take their chance, and not expect the same amount of promotion as during war. If they departed from the principle of promoting in proportion to the services required, it would follow that they must keep the people in the dockyards, and act on the principle of charity and benevolence to the service, instead of justice to the community at large. Holding that the promotion should have reference to the wants of the country, he should support the Amendment.

ADMIRAL DUNDAS thought the hon, Gentleman had not put the question fairly before the House. In 1816 there were 220 admirals; there were now only 150, of which number 40 received only the pay of rear-admirals. In 1816 the number of captains was 867; it was now 511; and the number of lieutenants having been 3,999 at the former period, was now only 2,200. One half the naval officers had gone off the list since 1815, and still the hon. Gentleman was not satisfied.

MR. HUME said, that the gallant Admiral stated that in 1816 there was a certain number of admirals, and that they were reduced. Would he state how many had been promoted since that time? The fact is, they had had more promotions during the peace than ever obtained during the war. During the last year 14 admirals had been promoted. The Committee found that there were 156 admirals, and they recommended that they should be gradually reduced to 100, which he thought was a great many. Take the list of 600 captains, and they would find that 250 of them had never served a day as captain; and 360 commanders out of 800 had never served a day as commander. The fact was they were making the service of the Navy a pension list. The United States had not one admiral, but their officers were better paid. He was perfectly ready to admit that the pay of our naval officers was small; but where there were six officers where only one was required, it did appear to him that they required a change. It was on that ground that he wanted the right hon. Gentleman to carry out the recommendation of the Committee, small as it was.

ADMIRAL BERKELEY said, that the hon. Member for the West Riding was never more mistaken in his life than when he said that the Navy was kept up for the aristocracy. These men were promised this promotion for their gallantry; it was a bargain made in the time of war. [The hon. and gallant Admiral then read an account of the services of Captain Collier, who was at the head of the list who entered the service in 1802.] This case he said was not an isolated one, but he could follow it up by others who were lower down in the list, and who had obtained promotion not through being connected with the aristocracy but through their gallant services.

CAPTAIN PELHAM said, his argument was, that they required a fresh bargain, and that they ought to make a fresh bargain altogether, to put the active list on a proper footing, and, as to the rest, make a retired list of them.

MR. BRIGHT thought the hon. and gallant Member for Gloucester, who spoke last on behalf of the admirals, had put this question in a very unfair and unsound view before the House. He appeared to think there was some bargain with every man that entered the Navy that at a certain period of his life he should be made an admiral. Some hon. Gentlemen opposite appeared to agree with that. That was the strangest notion of public service that he ever heard in that House. The only contract that could be implied was that upon certain principles laid down, whether it were upon seniority or in any other way, that as the service required promotion for the efficient carrying on of that department, they should have such pre-eminence as the service could give them; but there was no contract that a proportion of officers should be raised to the rank of admiral. That would be to make the Navy subservient to the officers and not the officers to the Navy. The hon. and gallant Gentleman, because he belonged to the Navy, seemed to see nothing else; he forgot the country, and would starve the country, for the purpose of building up on a magnificent scale the profession to which he was attached. Now, there was one point in this question to which he would allude for the benefit of the Chancellor of the Exchequer. The Chancellor of the Exchequer found at the end of the Session great inconvenience from the votes of hon. Members to take off certain taxes. Some wanted to take off the attorneys' certificate duty, others the window duty, and they were all of them wanting to repeal some tax or other; and the Chancellor of the Exchequer thought them unjust in moving for a reduction of taxation while he had no funds to spare. Well, but if they brought forward a proposition like this to put a stop to expenditure, that was the only mode of enabling them to reduce taxation. What were the facts? That they had 150 admirals, and that a Committee of that House had recommended that they should be reduced to 100. The right hon. Gentleman at the head of the Admiralty said it was only carried by a majority of one; but if he looked over the minority he would find that every one of them belonged either to the present Government or to former Governments, and they were put on the Committee on purpose to prevent reduction. He said that the vote of the Committee ought at once to receive the attention of the House, and be carried out. They had 14 admirals now in service, they had 36 in the hottest time of the war, and they were now paying 150. And when they sought to carry out the recommendation of the Committee, they were told forsooth that a contract was made with every man who entered the Navy that he would be made an admiral if he lived long enough. Then he said the Chancellor of the Exchequer when he found his colleagues supporting this unnecessary expenditure, ought not to grumble hereafter at hon. Members voting for the reduction of taxation, seeing that Government would not support economy.

Colonel **THOMPSON** could not help supporting the Member for Manchester in the opinion, that there could be no such thing as officers of any description having a right to claim promotion beyond what the necessity or convenience of the country should authorise. He was sure there was no such principle in the service to which he had belonged. The cornet made no claim to being a lieutenant till a lieutenancy was vacant, and the lieutenant did not expect to have a troop till there was a troop for him to have.

Admiral **BOWLES** supported the vote, and said it would be a great misfortune to the country if the system of promotion were stopped.

Sir **F. T. BARING** said, his conviction was, that if all the recommendations of the Committee were carried out, it would lead to increased expense.

Mr. **CORRY** said, that in 1845 it was stated in a minute by the Earl of Haddington, then First Lord of the Admiralty, that the list of flag officers was to be reduced to 150, and maintained at that number; and every officer who was called on to retire argued the question on the supposition that the faith of Parliament had been pledged to him that he was to succeed to the flag list if a vacancy occurred. If, therefore, they told him now that instead of every vacancy being filled up, it should be only one in three, he should consider that the faith of Parliament had been broken.

Sir **J. GRAHAM** said, the question which, substantially, the hon. Member for Montrose sought to raise was the question which had obtained much attention in the Committee on the Naval Estimates, wherein a proposition was made, for which he was responsible, for reducing the number of admirals from 150 to 100. So far as pecuniary considerations went, this reduction, perhaps, might not be very important; but, if there was to be a reduction of establishments, they must begin at some point; and, as he conceived, the point at which to begin was the highest rank in the service, if it could be shown that the extent of that highest rank was redundant, and the expense more than was necessary. The gradual reduction of officers on half-pay in the lower ranks of the service, had been carried into effect by only promoting one officer upon three vacancies. The real question was, whether it was not expedient to carry this rule, which pervaded all the other ranks, into the rank of admirals? At no time during the last war—the greatest naval war in which the country was ever engaged—was there a greater number of admirals employed than 32; and in this time of peace the number employed did not exceed 12. Now, though the admirals' list might be considered more or less a retirement, or reward for past services, yet it was still a question of degree, and the House must bear in mind, with reference to it, what the real wants of the service were in relation to the country. He hoped the Chancellor of the Exchequer was not going to be misled by the pamphlet published the other day by a Bank Director, who wanted to make out that this country was the lightest taxed country in world; that taxation, direct or indirect, had not attained anything like its maximum; and that the people were, in fact, ready and competent for a great deal more taxation. He begged to demur altogether to those positions, and to express the conviction that no Government could be found which, in time of peace, could impose a greater weight of taxation, direct or indirect, than that now borne by the people of this country, the difficulty being, in fact, to maintain the burden already existing. The time had arrived when every practicable economy in every branch of the public service must be rigidly carried out. In the Navy as in the Army there were points at which economy must commence; and it was his opinion that it was not in the lower ranks of either profession that this commencement must be made. He would be the last man in the House to desire to carry this principle into effect harshly or suddenly, to the injury of men who had already just claims for promotion; but gradually, he would say, you must introduce greater economy into the higher ranks of both services. In times of peace, 150 admirals and 270 generals were clearly more than the service of the country required. What was the proposition of the Committee? That you should gradually reduce the number of admirals from 150 to 100, in this way—that whereas on the death of three captains you only promoted one; of three commanders, only one: so with admirals, till the number was reduced to 100, upon three deaths you should only make one promotion. It might be said that, considering the age of the post captains at the top of the list, this rule of promotion would work so slowly that there would be, in a short time, no admirals sufficiently young and active to fulfil the important duties of naval command. He admitted it; and it was with reference to this precise point that the Committee made the further proposition, that, to give greater vigour and activity to the higher ranks of the service, one out of every three promotions to the rank of admiral should go, not by seniority, but, on the responsibility of the Admiralty, by distinguished merit, without reference to mere seniority. These were the propositions which he had submitted to the Committee, which he had much reflected upon since, and which he was now fully prepared to support, both by his speech and by his vote. He was decidedly of opinion that, with reference to the efficiency of the service, these measures might be safely adopted. The case of the Army stood on better grounds in this respect; though the number of generals was 270, yet such large reductions had been made, that while in the Navy the non-effective charge now, as compared with 1846, had actually increased 88,000*l.*, the non-effective charge of the Army had been reduced by 91,100*l.* for the same period. Since the close of the war, the dead weight of the Navy had remained stationary, whereas that of the Army had materially diminished. He had understood that the state of the admiral's list was so little satisfactory, that when, lately, the admiral's command of the Eastern and China Seas was vacant, there was very great difficulty in filling it up; that three or four rear-admirals in succession refused it; that the officer who had accepted the command was upwards of 70; and that, moreover, in order to induce him to go out, arrangements of a very objectionable nature were made in the way of appointments of relations to posts under him. [Sir F. BARING: No!] Well, at all events, was not the post refused by three or four rear-admirals, and was not the officer who accepted it more than seventy years old? If such was the condition of the admirals' list in time of peace, what would be the state of things, if, unhappily, we should become involved in war?

SIR F. T. BARING wished that his right hon. Friend would show, rather by figures than by general phrases, what he meant by enforcing economy. He did not regard this as a question of economy at all. The entire saving, even if you could reduce the number of admirals from 150 to 100, would scarcely exceed 10,000*l.*; and it was no question with him whether this would be a real saving to the country, while it would be a great injustice to a noble service. Even if the Government were to adopt the principle of appointing admirals on the ground of merit alone, those officers would grow old, and they did not require merit only in their admirals, but also youth and activity. If, however, the Government were to pass over the senior officers, and select as admirals officers low in the list and young in the service, they might disregard merit to obtain the services of youth; and he feared such a course would occasion great dissatisfaction and discontent. That was not a new suggestion, for on one occasion the power of the Crown had been exercised, and with great impartiality, in favour of a young officer; but that step created great dissatisfaction, and if his recollection was correct, the House interfered so harshly that the practice was abandoned. He begged to say, in reply to the right hon. Baronet the Member for Ripon, that no arrangement of the nature he had alluded to had been made with the gallant admiral in command on the East India station. The right hon. Baronet had also asked whether it was true that that command had been offered to two or three officers before it was accepted by the gallant admiral by whom it was now held? It was perfectly true that the appointment had been declined by two admirals, on the ground that their health would not enable them to undertake the duties; and he (Sir F. Baring) thought those gallant officers had acted most conscientiously in declining the offer on that ground. He was far from saying that if the present arrangement did not work well, the whole subject ought not to be considered; but he did not think it would be advisable to consider the case of the admirals apart from that of the service generally.

Sir J. GRAHAM said, that the right hon. Baronet the First Lord of the Admiralty, called upon him to state the precise amount of saving he proposed to effect by reducing the list of admirals from 150 to 100. He could only say that if the reduction of one-third in the number of admirals would effect no material saving in the half-pay of admirals, it was a case of despair. The right hon. Baronet appeared to think that it would not be possible to add any fresh youth, vigour, and activity to the list by means of selection. If then they could neither reduce the expense, nor render this class of officers more efficient by infusing health and vigour into it, he (Sir J. Graham) thought the case of the admirals was desperate.

Mr. HENLEY said, this was a very important question, for it appeared that while the amount expended in pay and wages for the effective force of the Navy was 1,322,000*l.*, the cost of the non-effective service was 1,221,000*l.* He was satisfied this was a state of things the country would not allow to be continued. For thirty-five years, since the Peace, the system had gone on without alteration, and they were now paying the same number of officers for doing nothing, that they were maintaining when they had a large naval force afloat. He was glad this question had been raised, for he considered the non-effective force of the Navy ought to be kept within more reasonable bounds, and he would cordially support the Amendment.

The CHANCELLOR of the EXCHEQUER wished to say a few words on this subject, as it was one with regard to which he had had some Admiralty experience. He must say he deprecated more than anything the interference of the House of Commons in these matters. [" Oh, oh!"] He did not mean as to what was to be done, but as to how it was to be done. When he became Secretary to the Admiralty a system of reduction was in active operation. It was going on rapidly, and what stopped it? What was the cause of that increase of dead weight in the Navy, of which hon. Gentlemen now complained? It was the interference of the House of Commons. [*A cry of* " No!"] Yes, it was the interference of the House with the reductions then in progress. Several Motions, as the hon. Member for Montrose might remember, were made and carried with a view to accelerate the promotions, which the House thought were not rapid enough; and the consequence was a great addition to the retired list. It must not be said, then, that the Government had been anxious to continue the present system. He conscientiously believed that the Government was far better able than the House of Commons to form a judgment as to the mode in which reductions might be effected.

Captain HARRIS said, that officers, whether admirals, captains, or lieutenants, were not made in a day, and it was necessary to keep up the half-pay system that they might have efficient men upon the list who would be available in case of emergency. He did not concur in the opinion of the right hon. Gentleman the Chancellor of the Exchequer, that the Executive Government could conduct changes in these matters most advantageously without the interference of that House, for the House of Commons was bound to take care that there was no extravagant outlay of the public money.

The Committee divided:—Ayes 72; Noes 128: Majority 56.

Original Question put, and agreed to.

Captain BOLDERO would remind the right hon. Gentleman the First Lord of the Admiralty that this vote included surgeons and assistant surgeons, with respect to whom there was a recent vote of the House; he believed some regulation was to be made for their benefit.

Sir F. T. BARING had already explained to the hon. and gallant Member the course intended to be pursued; a memorandum had been drawn up, and the arrangement would be carried into effect.

Vote agreed to; as were also the following votes:—

(2.) 490,345*l.* Military Pensions and Allowances.

(3.) 167,086*l.* Civil Pensions and Allowances.

(4.) 135,700*l.* Freight, &c., on account of the Army and Ordnance Department.

(5.) 21,131*l.* Arctic Expedition.

(6.) 8,480*l.* for Extra Provisions for Arctic Expedition.

(7.) 211,159*l.* 3*s.* 7*d.* Excess of the Naval Expenditure.

SIR H. WILLOUGHBY rose to call attention to a sum of 29,534*l.* expended upon iron steamers. They did not derive that sum from any surplus, nor had they expended it with the consent of the Treasury. Further, it was in clear violation of the Appropriation Act. At the same time he was bound to admit that the Board of Audit had exercised all fitting vigilance upon the occasion. Upon these grounds he should propose that the proposed grant be reduced by the sum of 29,534*l.*

SIR F. T. BARING explained the circumstances under which the payment on account of the iron steamers was made. The year before last money was taken to pay for these iron steamers. The estimates of the expenditure for the next year were framed in the month of October, and presented in 1849. But he found that the contracts, which were expected to terminate before the termination of the financial year, did not fall within the financial year, and, therefore, the payments ran actually a few weeks beyond the financial year. He made a payment on account, though not legally compellable; and he had stated the excess, on the principle that Parliament ought to know how it had occurred.

MR. HENLEY thought the matter was not yet clearly before the House. The right hon. Baronet seemed to say he had committed the fault of having an excess, but had shown it to Parliament, and that he might have carried it to another year, without their knowing anything of it. There was a third alternative—that of not spending in excess at all. The statement was not satisfactory as to how the excess arose.

SIR F. T. BARING had stated, in opening the estimates, the ground of that excess, which occurred before he came into office. A good deal of it arose from the number of men being carried beyond the vote, and from the pay of the men being taken on a wrong calculation.

MR. HUME did not believe they would get rid of these excesses until they came to a resolution that the Lords of the Admiralty should pay the excess themselves. He was quite ready to make the right hon. Baronet pay it himself.

SIR J. GRAHAM said, that the excess was not incurred under the administration of the First Lord of the Admiralty, and no one more agreed with the position laid down by the hon. Member for Montrose than the First Lord himself, that these excesses were to be carefully avoided. It might be confidently anticipated that under his administration, though it was difficult to know how excesses could always be avoided, Parliament would to the utmost see an end put to these grants. There was one principle to which the right hon. Baronet had not adverted, that when any such unexpected expenditure was incurred, it was most desirable to have it brought under the cognisance of the Treasury.

MR. REYNOLDS complained that, while 700,000 gallons of rum were consumed in the Royal Navy, home-made spirits were not advertised to be taken under the contracts, though there was no Parliamentary resolution giving a preference to rum.

MR. FRENCH said, that at the Admiralty the interests of Ireland were not represented. There was no Irish Lord of the Admiralty. Such was not the case in the late Administration, which was supposed to be more adverse to the interests of Ireland. The right hon. Member for Tyrone was then Secretary for the Admiralty.

COLONEL SIBTHORP would vote with the two hon. Gentlemen who had just spoken in favour of consuming Irish whisky in the Royal Navy rather than rum; but he could not understand how, with their views, they supported Her Majesty's Ministers, of whom no man entertained a worse opinion in their public capacity than he did. He advised the hon. Gentlemen to leave the bad company in which they were placed. They should remember that evil communications corrupted good manners; and, if they remained longer amongst their present associates, they would become inoculated with their virus.

MR. REYNOLDS said, that although he disapproved of many of the acts of the Government, he did not believe that another Administration would pursue a different policy. Only a choice of evils was before him, and he took the least. If, however, the hon. and gallant Colonel would form an Administration which would take Ireland under its protection, it should receive his support.

SIR F. BARING said, in reference to what had fallen from the right hon. Member for Ripon, communications should be made to the Treasury with respect to every case of excess.

Sir H. WILLOUGHBY said, that in consequence of the right hon. Baronet's explanation, he would withdraw his Amendment.

Vote agreed to.

(8.) 764,236*l.* Post Office Packet Service.

Mr. SCOTT moved to reduce the vote by 50,000*l.* charged for the conveyance of the India mails by the East India Company's vessels.

Sir F. T. BARING reminded the hon. Member that the payment must be made as long as the contract with the Company subsisted.

Lord NAAS thought, that after the contradictory statements they had heard from the right hon. Chancellor of the Exchequer and the hon. Member for Honiton, it was understood the vote for the Indian mail service would be postponed till the House had had an opportunity of judging what was the real state of the case by the production of the correspondence between the Government and the East India Company.

The CHANCELLOR of the EXCHEQUER said, that the production of the correspondence could have no effect on a contract which had been already completed. Whatever opinion the House might have as to any future arrangement, it was evident that what had been entered into by the Government must be carried out.

Mr. HUME suggested, that in future an account should be laid before Parliament of the several contracts, of the number of ships, of the distances, and of the expense, on one side; and of the profits, by passengers and from other sources, on the other. No vote required a closer scrutiny, and the opinion of competent persons out of doors was, that many of our mail contracts were extremely extravagant. The House ought to have some intimation when new contracts were to be made.

Mr. SCOTT quite agreed with the hon. Member for Montrose that the votes for the mail service required very close observation. It was rumoured that a certain company, who were disappointed in getting the contract for the mails to the Brazils, were likely to obtain the contract for the Cape mails, by way of making up for their disappointment. The vote ought not to be passed without some explanation, though no hon. Member connected with Government had yet condescended to give any.

Sir F. T. BARING said, that the statements to which the hon. Member for Berwickshire referred, were, like many others brought against the Admiralty, quite without foundation. There was no truth in them; and it could not be expected that the time of the House was to be taken up in noticing every story that might be rumoured abroad. The hon. Member for Montrose could have every information he desired as to the mail contracts.

Sir J. GRAHAM inquired what arrangements had been made for the conveyance of the mails between Holyhead and Dublin? It had been strongly recommended by the Committee that the same company who had carried the mails between Liverpool and Dublin should become the lessees of the establishment, which cost the country a very considerable sum; and he observed that the expenses had increased since 1849.

Sir F. T. BARING said, that arrangements had been made for carrying the mails by contract, which would be carried into effect as soon as possible. There were charges against the Admiralty on this point also, but they referred not to the Admiralty having done badly to the public, but to their having taken the lowest contract, which was said to be so low that it could not be worked. The tenders for the mail contracts to the Cape would be returnable on the 13th of August; and, the service would be taken by screw steamers.

In reply to Mr. T. Egerton,

The CHANCELLOR of the EXCHEQUER said, that Government intended to make the inner harbour at Holyhead at the public expense. It would be, he considered, rather hard, under all the circumstances, to call on the railway company to contribute 200,000*l.*, as originally agreed upon; but they would be deprived of any exclusive advantages which were contingent on that contribution.

Lord J. MANNERS said, he regretted to be obliged by the conduct of Her Majesty's Government to move that the Chairman report progress, and ask leave to sit again. It was necessary for him to call the attention of the House to the course pursued by hon. Gentlemen opposite in a matter personal to himself. About three o'clock in the day he had crossed over to the Ministerial benches and asked the right hon. Gentleman the President of the Board of Trade when he would take the third reading of the Mercantile Marine Bill? The right hon. Gentleman informed him, at Twelve o'clock to-morrow; when the right hon. Baronet the Secretary of State, who was sitting beside him, said, "You must mistake—the Amendments on the Irish Franchise Bill are to come on at Twelve o'clock to-morrow, to which their consideration is adjourned—you mean Twelve o'clock to-night." To which the President of the Board of Trade replied, "Yes, I mean Twelve o'clock to-night; and I hope you (Lord J. Manners) will have no objection to the third reading of the Mercantile Marine Bill being moved after all the other orders." He replied, "Certainly not; and that, having an amendment to move, he would offer no obstruction to the third reading, whenever it came on." Both the right hon. Gentlemen seemed perfectly satisfied with that arrangement, and expressed themselves more or less pleased at the cooperation he gave to them in proceeding with the Bill. With that understanding he left the House; and, on his return, he found the third reading of the Mercantile Marine Bill had actually been moved—whether by either of the right hon. Gentlemen he did not know — at half-past Seven o'clock that evening, and had been carried. All he knew was, the engagement entered into by those right hon. Gentlemen, as Members of Government, had not been kept.— [Sir G. GREY: There was not the smallest approach to an engagement.] The right hon. Baronet might say so; but if that sort of quibbling was allowed, no engagement would be entered upon between hon. Members and the Government. He would ask the right hon. President of the Board of Trade whether, in all the transactions relating to the Bill, he had not shown the greatest anxiety to consult his convenience, and whether he had exhibited the least wish to offer to it a factious opposition? He had then a right to complain, and he did complain, of that sort of conduct; and all those arrangements which tended so much to the mutual convenience of the Members and of the Government must in future be disregarded; and it would be the duty of hon. Gentlemen on his side of the House to exert every sort of opposition to Government, and to disregard all statements of Ministers except those made publicly in their places. Had it not been for the declaration of the right hon. Gentleman, he (Lord J. Manners) would have been in his place ready to propose the Amendment which stood in his name on the paper; and he appealed to the House whether the right hon. Gentleman had acted on this occasion in the way in which he had acted hitherto, or if his conduct had been what he (Lord J. Manners) had a right to expect.

MR. LABOUCHERE said, he should be very sorry indeed if any conduct on his part could have rendered him justly liable to the imputation of having acted in any way but with the most scrupulous fidelity in any engagements he might have made with any hon. Member. He felt very deeply the important character of those engagements, and how much the convenience of the House and the despatch of business depended on their being adhered to with the most inviolable fidelity. But he hoped, before he sat down, to remove from the mind of the noble Lord the false impression under which he seemed to labour. It was quite true both as to the noble Lord, and as to other Members, that he (Mr. Labouchere) had stated, if the discussion which had occupied the greater part of the day should be brought to a close at any time before twelve o'clock at night, that he should move the third reading of the Mercantile Marine Bill, for he felt it to be of great importance that that measure should be sent up to the other House of Parliament with as little delay as possible; but he never for a single moment contemplated anything so very extraordinary as letting the most convenient opportunity pass by and keeping back that or any other measure till twelve o'clock. Every one knew that the discussion respecting the Baron de Rothschild had ended much sooner than was expected; and if the noble Lord had been taken by surprise, so also was he (Mr. Labouchere), for he was himself not in the House when the Bill was read a third time, his noble Friend at the head of the Government being the Member who then took charge of it, and by whom it was successfully passed through its last stage, at which time the Amendment that the noble Lord had intended to propose was moved by another Member. Having made this short statement, he trusted the House would do him the justice to believe that he never intended to take the noble Lord by surprise. He hoped during the ten years that he had had a seat in that House he never pursued any course which could justify an imputation of any unfairness. He was sorry that any misapprehension should have occurred; but he begged the House to observe that not only the noble Lord, but the hon. Member for Liverpool, was also absent when the Bill was read a third time. There could not be a greater mistake than to suppose that he had ever made any such arrangement as the noble Lord had supposed him to make, for it would be so manifestly against the course of order in that House, that the Speaker would have interfered to prevent its being carried into effect. He should conclude by repeating an expression of regret that any misapprehension had arisen, and by hoping that the House would acquit him of intending to take any one by surprise.

LORD J. MANNERS said, that no doubt the right hon. Gentleman did not mean to take him by surprise, but he must be permitted to say that the right hon. Gentleman had distinctly told him that he intended to take the Mercantile Marine Bill at twelve o'clock, after the other Orders of the Day were disposed of; and he distinctly remembered the Home Secretary observing that they could not proceed with the Bill at twelve o'clock to-morrow. The right hon. Gentleman the President of the Board of Trade might have meant that he would proceed with tho measure before twelve, but he said that he should not do so till twelve—he certainly fell into some mistake, and deceived not only himself but him (Lord J. Manners).

SIR G. GREY said, that as he had been appealed to, he felt it due to himself to say, that he had entered into no engagement whatever, but contented himself with observing that twelve o'clock to-morrow was a time already occupied. Beyond that he had not opened his lips, but he was bound now to state, that he certainly understood his right hon. Friend the President of the Board of Trade to say, that after the debate which then occupied the attention of the House was concluded, he should move the third reading of the Mercantile Marine Bill; but certainly no one expected that that debate would have been so soon over.

ADMIRAL BOWLES said, that the right hon. Gentleman the President of the Board of Trade told him, not that he would wait till twelve o'clock, but that he would proceed with the Mercantile Marine Bill, even if no opportunity of moving it occurred before twelve o'clock; that, if necessary, he should go on with it as late as twelve o'clock.

LORD J. MANNERS said, that if the right hon. Gentleman had told that to him, he should not have been taken by surprise, but he never said anything of the sort.

MR. ANDERSON rose to say, that he had spoken to the right hon. President of the Board of Trade in the lobby on the subject, when his reply to an inquiry was, that it would probably be late that night, and as he intended to second the clause of the noble Lord, he took the liberty of moving it in his absence.

Vote agreed to; as were the following:—

(9.) 453,891*l.* Commissariat Department.

(10.) 45,791*l.* Half-pay, Pensions, &c.

(11.) 5,250*l.* Monument to Sir Robert Peel.

LORD J. MANNERS thought nothing could be more becoming a great nation than to place memorials of individuals who had distinguished themselves by the good done to their country in a suitable building. An opinion, however, prevailed, and was extending itself, that Westminster Abbey was not a proper place for containing such memorials. No one would for a moment think of objecting to the monument to the memory of Sir Robert Peel being erected in the Abbey; but he gave notice that, if a similar proposition should be made hereafter, he should oppose it.

LORD J. RUSSELL said, that there was no building more suitable than Westminster Abbey for containing public monuments.

Vote agreed to; as was one of

(12.) 50,000*l.* for Civil Contingencies.

House resumed.

Resolutions to be reported To-morrow, at Twelve o'clock.

PUBLIC LIBRARIES AND MUSEUMS BILL.

Order for Third Reading read.

MR. BROTHERTON moved the Third Reading of the Public Libraries and Museums Bill.

COLONEL SIBTHORP was surprised that such a Motion should have come from the hon. Member for Salford, who was always ready to prevent business after twelve o'clock, when it came from a different side of the House from his own. He objected altogether to the present Bill, and would therefore move that it be read a third time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

LORD J. MANNERS wished the House to understand that this Bill would repeal all the Statutes of Mortmain.

Sir G. GREY said, that the Bill would only repeal the Statutes of Mortmain in so far as libraries and museums were concerned.

Question put, "That the word 'now' stand part of the Question?"

The House divided:—Ayes 64; Noes 15: Majority 49.

Main Question put, and agreed to.

Bill read 3°.

Colonel CHATTERTON said: Sir, perhaps there never was a Bill introduced into this House under such unfortunate auspices. Though professedly for the amusement and instruction of the working classes of the people, its real object now turns out to be actual, permanent, and forced taxation. Sir, the second reading of this Bill was not a triumphant one. As regards Ireland, I object to the principle of this Bill, as tending to impose a new tax upon an already pauperised people. I object to it, as it would not be of the slightest benefit in the city I have the honour to represent; for it cannot be imagined that a peasant, fatigued after his daily toil, could be so impressed with the love of literature, or the study of the antique, as to set off, even under the influence of a bright summer evening, to walk six or seven miles to improve his mind, and then walk back to ponder over and digest what he had seen and heard. Sir, I think this proposition monstrous and ill-timed; and although no person can be more anxious than I am for every fair opportunity being given to the working classes to gain useful knowledge, still I never can consent to this method of procuring it, by taxing the many for the supposed advantage of the few. I beg to move that the provisions of this Bill do not pass into law in Ireland.

Clause (And be it enacted, That the Bill do not extend to Ireland) brought up.

Motion made, and Question proposed, "That the said Clause be now read the First Time," put, and agreed to.

Clause read 1°.

Colonel SIBTHORP supported the Motion.

Mr. G. A. HAMILTON hoped the hon. and gallant Colonel would not press his Motion. They had taken care that the people of Ireland should be taught to read; but, having done so, no libraries were established from which proper books could be got: and he believed that was the reason why they were driven to read inflammatory publications.

Colonel RAWDON hoped his hon. and gallant Friend would not press his Motion, seeing what was the sense of the House in respect to the Bill extending to Ireland.

Colonel CHATTERTON said, that as he conceived great injury would be done to Ireland by this Bill, he could not withdraw his Motion.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House divided:—Ayes 13; Noes 56: Majority 43.

Amendment made.

Bill passed.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 30, 1850.

Minutes.] Public Bills.—1ª Mercantile Marine (No. 2); Navy Pay; Public Libraries and Museums.
2ª General Board of Health (No. 2); Small Tenements Rating.
Reported.—Bills of Exchange.
3ª Highway Rates.

FISHERIES IN MID-CHANNEL BETWEEN ENGLAND AND FRANCE.

The Earl of WICKLOW wished to obtain some information on a subject of no slight importance from Her Majesty's Government. Their Lordships would have seen, from the public journals, that five British fishing vessels had been recently taken into the port of Dieppe by the French cruisers. If he had been rightly informed, their capture had not arisen our of any ordinary cause, but out of a novel cause of no small importance. There was a treaty, he believed, between the two countries, that the fishery of each country should be limited to a distance of five miles from the coast of the other. A most important discovery had been recently made of oyster beds between Brighton and Dieppe. The English fishermen had fished upon those beds to a great extent; and the consequence was, that at the present moment the English markets were as amply supplied with oysters as at any other period of the year. These oysters were an inferior fish, but were as fully in season. He was informed that nothing had prevented these oyster-beds from being fully fished by the English fishermen except the injury which it was supposed it would inflict on the oyster fisheries of Essex. He had been informed that two of our fishing vessels had been chased from these grounds and fired into by a French cruiser, and that some had been actually taken, and carried into Dieppe as prisoners, by the French authorities. He knew that the attention of the noble Viscount the Secretary of State for Foreign Affairs had been called to this point; that, however, which he wanted to know was, whether any treaty or any convention had been entered into between the two Powers to save the lives of English fishermen from injury, and to protect their vessels from capture. The evil, he was sorry to say, was on the increase; and the English fishermen were determined not to be prevented from enjoying the treasure which had recently been discovered. The consequence would be, that the French would increase their force of cruisers to protect what they considered to be their own grounds. He therefore hoped that the noble Marquess would give the House some assurance that something would be done to prevent the recurrence of this evil.

The MARQUESS of LANSDOWNE hoped that the answer which he was about to give to the question of his noble Friend would be quite satisfactory. It was probably known to their Lordships that there had been some trouble, discontent, and dispute respecting the fisheries on the coasts of two nations so near to each other as were the coasts of England and France. A treaty to adjust those discontents and disputes had been concluded between the two Governments in the year 1838, and it had so far succeeded that, although it did not entirely prevent quarrels from arising, they had not led to any mischievous consequences, but had been accommodated successfully to the claims of both nations. The fisheries were not to be fished by foreign fishermen within three miles of the respective coasts of either country, with one exception, which had arisen out of an immemorial usage. On arriving at a particular point in the mid-channel between Jersey and France, which was not laid down on any map, or by any geographical line, but which was well known to the fishermen of both countries, a particular field was assigned, where the fishermen of neither country were to fish. It was on this particular field that the difficulty to which the noble Lord had alluded, had recently arisen. He believed that it was a difficulty which would soon adjust itself, as similar difficulties had adjusted themselves which had formerly arisen; as, for instance, when a fisherman of either country was found trespassing on the fishing grounds of the other, he was carried into the nearest port of the country on which he had trespassed, and his offence was there decided on by the ordinary magistrates. The decisions followed the law of the respective countries. . Up to this time the English fishermen had been trespassing occasionally on the French coasts, as the French had been trespassing on ours. The particular difficulty in this case had arisen from the discovery of a large oyster-bed in the ground which the fishermen of neither country had been allowed to approach. He did not know whether the oysters had had any secret intelligence of that fact; but it was undeniable that they had accumulated upon that spot, and had thus afforded an irresistible temptation to the fishermen both of England and France. He knew no reason why, on being caught trespassing, they should not be carried, as on former occasions, before the magistrates of the two countries. No report had been received from our Consul at Dieppe, and there was at present no reason to suppose that any injustice had been done.

THE QUEEN'S MESSAGE—MARLBOROUGH HOUSE.

The MARQUESS of LANSDOWNE then moved that the Order of the Day be read for considering the Message of the Queen respecting securing Marlborough-house to His Royal Highness Albert Edward, Prince of Wales.

The Order of the Day and the Royal Message were then read by the Clerk at the table.

The MARQUESS of LANSDOWNE, in moving that an Address to the Crown in reply to this Message should be unanimously adopted, observed that it was only necessary for him to explain that the object of this arrangement was to secure in a suitable part of this metropolis a fitting residence at a future period for His Royal Highness the Prince of Wales. It might be asked, why it was necessary to secure such a residence at present? It had occurred to the Members of Her Majesty's Government, and the suggestion had met the approbation of Her Majesty herself, that it might be desirable to appropriate

Marlborough-house, which had become vacant by the unfortunate death of the late Queen Dowager, to the object of displaying the collection of pictures which, by the munificence of the late Mr. Vernon, had recently become the property of the country. There was a general desire that that collection should be placed in a situation where it could be seen with advantage, and it occurred to Her Majesty's Government that, until a national building could be provided for it, Marlborough-house might be appropriated for that purpose. But, as that was not the ultimate object to which the Crown proposed to devote Marlborough-house, it became expedient to secure it by express provision for the future residence of the Prince of Wales. That was the main reason for making this arrangement; but economical considerations, which were of great importance at the present moment, were also in favour of it. All that their Lordships were now invited to do was to express their concurrence that a suitable residence should be provided for the Prince of Wales, and that Marlborough-house was not an unsuitable building for that purpose. The arrangement could not be effected by any other way more conducive to the dignity of the Prince of Wales and to those feelings of economy which at present prevailed so generally. He therefore moved—

> "That an humble Address be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her Majesty's Most Gracious Message expressive of Her Majesty's Desire that the House called Marlborough House should be secured to His Royal Highness Albert Edward, Prince of Wales, after he shall have attained the Age of Eighteen Years, during the joint Lives of Her Majesty and His said Royal Highness, and to assure Her Majesty that this House will cheerfully concur in such Measures as may be necessary to carry Her Majesty's Most Gracious Intention into effect."

Lord BROUGHAM commended the proposition of his noble Friend as a happy combination, in granting for a time the use of a palatial residence to the exhibition of a great national collection of works of art, and in securing at the same time the building for His Royal Highness the Prince of Wales when he should require an establishment. The arrangement was inexpensive, and deserved the term applied to it by his noble Friend of economical. The noble and learned Lord passed a high eulogy upon Mr. Vernon, to whose honour he should rejoice to see a public testimonial.

Lord REDESDALE expressed his wish that Marlborough-house should be given to the Duchy of Cornwall, and should be kept in future as a residence for the Prince of Wales. If there was no Prince of Wales, it might remain in the care and possession of the Crown.

The same was agreed to, *Nemine Dissentiente*; and the said Address ordered to be presented to Her Majesty by the Lords with White Staves.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Wednesday, July 30, 1850.

MINUTES.] NEW WRIT.—For Lambeth, *v.* Charles Pearson, Esq., Chiltern Hundreds.

NEW MEMBER SWORN.—For Tamworth, Sir Robert Peel, Bart.

PUBLIC BILLS.—1ª Assessed Taxes Composition.
2ª Municipal Corporations (Ireland) (No. 2).
Reported.—Commons Inclosure (No. 2).
3ª Engines for taking Fish (Ireland); Trustee.

OATHS OF JEWISH MEMBERS—BARON DE ROTHSCHILD — ADJOURNED DEBATE (THIRD NIGHT).

The Baron Lionel Nathan de Rothschild having come to the table, Mr. SPEAKER acquainted him that the House had yesterday made the following Order:—

"*Ordered*—That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having presented himself at the Table of the House, and having previously to taking the Oaths requested to be sworn on the Old Testament (being the form which he has declared at the Table to be most binding on his conscience), the Clerk be directed to swear him in on the Old Testament accordingly."

Whereupon the Clerk handed to him the Old Testament, and tendered him the Oaths; and he accordingly took the Oaths of Allegiance and Supremacy, repeating the same after the Clerk; the Clerk then proceeded to administer the Oath of Abjuration, which the Baron de Rothschild repeated after the Clerk as far as the words, "upon the true faith of a Christion;" but upon the Clerk reading those words, the Baron de Rothschild said, "I omit those words as not binding on my conscience;" he then concluded with the words, "So help me God!" (the Clerk not having read those words to him), and kissed the said Testament.

Whereupon he was directed to withdraw.

Mr. HUME said: I rise to order, Mr.

Speaker; and I rise to order upon this ground. As I understand from you, you have directed the hon. Member for the city of London to retire. He has taken the oaths at the table. [*Loud cries from the Opposition of* "No, no!"]. He has taken the oaths at the table. ["No, no!"] He has, I repeat, taken the oaths at the table. If Gentlemen will hear what I am saying, they will hear me assert that the hon. Member has taken the oaths in that form and in those words which are most binding upon his conscience. The vote which the House came to last night expressly states that he should do so, as he had previously declared he would use such words as were binding upon his conscience. Having done that, he has complied with the requisition of the House, and therefore I object to his being directed to retire. I shall conclude by moving that the hon. Member do take his seat.

Mr. SPEAKER: The hon. Member rose to order, and he cannot propose that Motion. I directed the hon. Member for the city of London to retire, because he did not take the words in the last oath which are prescribed by the Act of Parliament. I therefore desired the hon. Member to withdraw, in order that the House might come to a decision upon the case.

Sir F. THESIGER then moved—

"That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having refused to take the Oaths prescribed by Law to be taken before a Member can sit and vote in this House, Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Citizen to serve in this present Parliament for the City of London, in the room of the said Baron Lionel Nathan de Rothschild."

Sir R. H. INGLIS seconded the Motion.

Motion made, and Question proposed accordingly.

Mr. ANSTEY said: I do not know whether this is the proper time for me to move the resolutions of which I have given notice. I will not, of course, stand in the way of the business of the House; but I wish to know whether it is competent for me, upon the Motion of the hon. and learned Member for Abingdon, to move the two resolutions of which I gave notice last night.

Mr. W. P. WOOD: Do I understand that the Motion for a new writ is seconded?

Sir R. H. INGLIS: Yes, I had the honour of seconding it.

Mr. W. P. WOOD: My hon. and learned Friend the Member for Abingdon has moved for a new writ for the city of London, and he has not vouchsafed to state to the House any reasons for the Motion. I shall take leave to move an Amendment before I sit down—that the seat of the hon. Member is full. I apprehend that this is a question which is of extremely deep importance to the privileges of this House, and one which not only concerns the privileges of the House, but concerns most deeply the country at large, and the rights and privileges of the electors of this kingdom. Sir, the electors of London have, I think, shown exemplary forbearance throughout the whole of this matter. It has been no wish of theirs to try the question in any way which would subject the House to that which seems to be more dreaded than, I confess, I think the House of Commons ought to dread it—the possibility of a difference of opinion between this House and any of the courts of law. The electors of London were quite satisfied so long as they were convinced that there was an intention to have the question fairly brought before the consideration of both Houses of Parliament. They were quite content not to insist upon a right which any party could question; but though they believed it to be their right to send Baron de Rothschild to this House, and though they believed it their right that he should take his seat in the mode in which we now insist he has taken his seat, yet they were perfectly ready to have the question removed from and placed beyond the possibility of all doubt, if there had been really any serious effort made to bring it to that issue. But, Sir, what has happened? A Bill was brought forward in the first instance, which would have removed and cleared away all doubts. It was passed by a large majority of this House, but it was rejected elsewhere. The Baron de Rothschild, with that straightforward conduct which he has pursued throughout, thought it right upon that decision to resign his seat into the hands of his constituents; he thought it right to lay the case again before the electors of the city of London, and to say to them, "You have elected a man as to whose power to take his seat it is said doubt exists, and an attempt has been made to clear it from all possibility of doubt; but that attempt having failed, I wish to know whether it be your intention to send me again as your representative, to contest the question?" The answer of the electors was, by an immense majority, in the affirmative.

That being so, they waited patiently another year. In that year, another Bill was passed by a considerable majority through this House; but it was again rejected. The electors waited, perhaps, too patiently, for this third year. In the mean time, some facts had transpired with regard to the admission in a much stronger case, as I shall demonstrate before I sit down—the admission of Mr. Pease to sit in this House without taking the prescribed oaths. The circumstances of that case had only recently transpired, because unfortunately the records of them were burnt or destroyed during the fire which consumed the Houses of Parliament; and consequently full information of them only accidentally oozed out at the beginning of this year. Upon that information being obtained, it struck me, and it struck others also, who were competent to advise upon the subject, but who were not under the same influences that Members holding seats in this House might be, but who could give calm and deliberate counsel, that there were most important features in that case which deserved to be sifted and investigated as forming a precedent. I, therefore, as an elector of the city of London, moved for a Committee in order to obtain all the information and light which could be afforded upon the subject. In the course of that investigation I was precluded—and I complain of it in no way whatever—from offering in the report a single observation upon any of the facts that might be obtained. The report, therefore, I admit seems to be a not easily intelligible report; still it is intelligible to those who can give calm and continued attention to the subject, though it is not easily intelligible, from there being no less than some seven or eight and twenty Acts of Parliament bearing upon the point. Mr. Pease's case was investigated; and I shall be able to show the House from the report of that case, that under the existing state of the law, the House is not called upon to take any active steps in this matter as they did in Mr. Pease's case, but that, by what has taken place here now, the oath has been duly taken, and that whether duly taken or not, the seat is unquestionably not vacant. There are two points which the House will bear in mind—namely, that it is one thing to determine that the oath has been duly taken, and another that the seat is vacant. As I have already said, a Bill was brought into the House upon this report; and again relying upon the same forbearance of the electors of London, we have shown no anxiety whatever to precipitate the House into a collision either with the other House on the one hand, or with any court of law upon the other. They (the electors of London) are persons who have all along, as a body of electors, been distinguished and remarkable for their calmness. No body of electors in the kingdom have shown themselves more remarkable in this respect. But when they found, at the close of the Session, that the Bill which would solve and settle the question was about to be withdrawn, it was impossible the electors of London could remain in such a position during the whole of the third Session without bringing the case to a distinct issue. I am sorry to be obliged to enter into a legal argument, for it is always an irksome task; but I hope to be able to place the case in such a clear and distinct point of view that I think I shall carry some hon. Members with me from the opposite side, and I do not despair even of the noble Lord, who pronounced an opinion upon the subject before it was argued. I say I do not despair of carrying conviction to every mind, first, that this oath has to every intent and purpose been properly taken; but, secondly, if that be not perfectly established to the satisfaction of every Member of the House, that, upon the statutes, there is no vacancy in the seat. In order to arrive at this we must first of all divide the oaths into two distinct classes; and I will take the second point first—that with regard to the alleged vacancy in the seat—because it will place the House in the position of seeing how much they will be conceding if the proposition of the hon. and learned Member for Abingdon be agreed to. The oaths must be divided into two classes with regard to this question, namely, those of allegiance and supremacy on the one hand, and that of abjuration on the other. By the statute 30th Charles II., the penalties were enacted which now regulate the oaths of supremacy and allegiance; that is to say, they are regulated by reference to the Act 30th Charles II. in this way. The statute 30th Charles II., directs the oaths to be solemnly taken at the table. The 1st William and Mary, c. 1, repeals in words the Act 30th Charles II., but re-enacts it to the extent of the penalties by saying that these two oaths should be taken under the penalties of the statute of Charles II. These penalties are clearly and distinctly stated. If those oaths had not been taken, it is clear the seat would be absolutely vacant. But nobody has any doubt but that the two oaths in question have been properly taken. I need not argue that, for they were sworn to in the mode directed by the House. Now the penalty, if they had not been taken (page 6, Report), was, that the party not taking them, should be disabled to sit and vote in the House of Commons. He should "be deemed and adjudged a Popish recusant convict," and "disabled from sitting and voting in the House of Commons, then and in every such case without any conviction or other proceedings;" and "the place or places for which they or any of them were elected is hereby declared void; and a new writ or writs shall issue out of the High Court of Chancery by warrant or warrants from the Speaker of the House of Commons for the time being." Mark how clear the Legislature is, when it is intended you should move for a new writ. It does two things. At first it declares that the seat shall be void as if the party had never been elected; and then it says that a new writ shall be moved for. But now comes the oath of abjuration; and with regard to this oath the case is remarkably different. In the first place, you have the 13th Wm. III., c. 6 (Report, page 11); and the penalties which that Act prescribes if the oath of abjuration be not taken, are, that "every person so offending shall from thenceforth be deemed and adjudged a Popish recusant convict to all intents and purposes whatsoever, and shall forfeit and suffer as a Popish recusant convict," and "shall be disabled from thenceforth to sit or vote in either House of Parliament." Let the House mark these words—"shall be disabled from henceforth to sit or vote in either House of Parliament." Upon these penalties I can quite understand the hon. and learned Gentleman the Member for Abingdon raising an argument—though not, in my judgment, a valid one—and saying that a Member who is disabled by statute is in the position of a Member whose seat is void; and that, therefore, a new writ must be moved. But the oath of abjuration, as settled by the Act of William, was altered by the Act 1st Geo. I., c. 13 (Report, page 16); and the difference is very remarkable. It is stated by the Committee, that by the 17th section—

> "The penalties are precisely the same in respect of Peers or Members of the House of Commons not complying with the provisions of the Act, as those contained in 13th William III., c. 6, except that the declaration that the offender shall be deemed a Popish recusant convict, and shall forfeit and suffer as such, and shall be disabled from holding or executing any office or place of trust, civil or military, is omitted."

But I am obliged to plead guilty to an omission from the report here, for there was another important variation. The Act of George omits the disability to sit and vote in Parliament. The House will find an important difference between the 17th section of it and the Act of William. The 17th section says that "any such person so offending shall be disabled," and so on; but it leaves out the words "disabled to sit and vote in Parliament." The House will see how strong this is with regard to the seat being void. You have it in the Statute of Charles, that if the party do not take the oaths of allegiance and supremacy he forfeits his seat; it is void, and a new writ may be moved for. When we come to the oath of abjuration in William's Act—and recollect this Act was passed at a time when a single vote might have been of the greatest consequence, for William was then upon his deathbed—it was thought necessary by Parliament to say, that persons refusing to take it should be disabled to sit and vote; from which it might be arguable that a new writ should be moved. But when you come to the Act of George I., when Parliament reconsidered the whole question, they deliberately omitted this disqualification. They came to a deliberate conclusion, that the party should not be so disabled and disqualified. They altered the oath. The old penalties therefore could not apply. They enacted a new oath, and rejected several of the former penalties. They rejected the penalties attaching to Popish recusant convicts — the disability for civil and military office, and disability to sit and vote. I say, therefore, that the oath of abjuration, as it has been taken by the hon. Member, does not disqualify him from sitting and voting in this House. He may be subject to penalties for sitting and voting, which any man may be entitled to recover, though I would not recommend any one to try the question in a court of law, but unquestionably he is not debarred from sitting and voting. I say, then, that this is tantamount to a legislative declaration that the Baron de Rothschild is not disabled from sitting and voting. I have now dealt with the question as to the new writ; and I will proceed to deal with my Amendment, that the seat is full. The question arises in this manner. Has the hon. Member for the city of London taken the oath of abjuration or not? The whole question, I apprehend, will turn mainly upon this—whether these words, "upon the true faith of a Christian," are a portion of the adjuration or the invocation by which he sanctifies the oath, or whether they are a declaration and statement of Christian faith contained in the body of the oath. If they be words of adjuration, I have already shown the House, in the debate yesterday, and I shall only refer to it now, the universal concurrence of jurists of every country, beginning with the *Digest*, that when an oath is taken the only question is, not how it is sworn, but whether the thing be sworn or not. That is the principle contained in the declaratory Act at the end of the report; and the questions you have to ask are, has an oath been taken, and has it been taken with a solemnity that binds the party? If it has, then, to all intents and purposes, it is sufficiently well taken. Just let the House mark the case of the Quakers; for that will show most distinctly and plainly that these words are not part of the oath by legislative declaration, and that they are not in any sense the thing the man swears to, but the mode the man swears by. That is in substance my proposition. You must distinguish the two parts of an oath into what the man swears to, and what he swears by. But just see how the case stands with regard to the Quakers. It is this—you first of all had the general statute of 7th and 8th William and Mary, c. 34 (Report, p. 9), which is—

> "An Act that the solemn Affirmation and Declaration of the People called Quakers shall be accepted instead of an oath in the usual form."

After reciting that

> "Divers Dissenters, commonly called Quakers, refusing to take an oath in courts of justice and other places, are frequently imprisoned, and their estates sequestered by process of contempt issuing out of such courts, to the ruin of themselves and families,"

It enacts that, after a given day—

> "Every Quaker who shall be required upon any lawful occasion to take an oath in any case where by law an oath is required, shall, instead of the usual form, be permitted to take his or her solemn affirmation or declaration;"

Which said

> "Solemn affirmation and declaration shall be adjudged and declared to be of the same force and effect as if such Quaker had taken an oath in the usual form."

Now, let the House pause here. Just see what you have done by this Act. You had taken this step, that whereas an oath had always hitherto been required, you indulged this sect with the peculiarity of permitting them to make affirmation instead of an oath. All the Act could do was this—it could only excuse them from "swearing" to anything in the oath contained. It is impossible to say the Act would justify a Quaker in omitting any part of the substance of the oath; it could only justify him in making a declaration in lieu of the oath, just as the common law allows Jews to swear in courts of justice in their own particular form in the place of the ordinary oath. You then come to an Act of Anne, which is of considerable importance. It is the Act 6th Anne, c. 23. This was an Act solely relating to a special case. It related entirely to Scotland. It was only to relieve the Quakers in a special case; and it enacted that the oath of abjuration should be taken with regard to certain matters in Scotland. Then comes the clause relating to Quakers:—

> "That any person who shall refuse to take the oath hereinbefore recited, or, being a Quaker, shall refuse to declare the effect thereof upon his solemn affirmation, as directed by the Act of William, he shall not be capable of giving any vote for the election of any Member to serve in the House of Commons, for any place in Great Britain."

How then does the case stand here? So far as I have gone, the Quaker would be precisely in the situation of Baron de Rothschild. There is the oath of abjuration, and there is an Act of William III., saying he may make affirmation instead of swearing, just as Baron de Rothschild wishes to swear in one form rather than other. The Act of Anne does not say the Quaker may omit a single syllable, but that he shall declare the effect of the oath. What then follows? Why, that if the oath be carefully looked to, we find not only the words "upon the true faith of a Christian," but also in the middle, several times, the words "I swear." It was natural, then, there should be some doubt as to the best way of taking the declaration of its effect by a Quaker; and it was necessary to deal with the difficulty. Then came the statute of the 1st George I. (following that of Anne) c. 6, which said that several disputes had arisen concerning the effect of the abjuration to be taken by the people called Quakers upon their solemn affirmation as directed by the Act of Anne; and for preventing the like inconveniences in future, it enacted—

> "That in all cases, wherever the effect of the said abjuration oath may be legally tendered or required of the said people called Quakers, or any

of them, he or they shall take the effect thereof in the following words."

The form is then given, and it concludes with these words:—

> "And I do make this recognition, acknowledgment, renunciation, and promise, heartily, wilfully and truly, omitting the words 'upon the true faith of a Christian.'"

We have here, then, a distinct legislative declaration upon the subject I set out with. I asserted that the whole effect and substance of the oath is embodied in the oath without the words "upon the true faith of a Christian." You have the thing to be sworn to distinguished from what it is sworn by. So says the Legislature. So does the Legislature clear all doubts. The Quaker does not use these words. But why was the Quaker excused from using them? Unless they were words he swore by, he had no pretext for being excused, nor had he the slightest pretence for omitting them. Therefore, if to affirm on the true faith of a Christian was objected to by Quakers, and that was not held an essential part of the substance of the oath, it was clear that they were free to except those words, and that by excepting those words they got rid of the difficulty. The Legislature said, "We will split the oath into two—the thing to be sworn to, and the thing to be sworn by; we will excuse the Quaker from swearing, because he says he won't; we will make him however affirm the substance of the oath, and adhere to it like anybody else." If the thing stood there, I say it would be utterly beyond all cavil or dispute; if it rested there, it would be unquestionable that those words were words of adjuration, and did not affect the other part of the oath, which contains its whole substance and effect. I will go on now to see how you dealt with the case of Mr. Pease, arising under the state of things which I have just described. Up to this moment you had, after all, only the Act, which said that difficulties had arisen under the Act passed in the 6th year of Queen Anne—a local Act referring to certain transactions in Scotland—which difficulties were cleared away by a special statute. But afterwards the Legislature was obliged to enact a new affirmation for Quakers, and for this reason: The Quakers, very naturally, were not altogether pleased with that form which the Act of William III. provided; it began by declaring, "in the presence of Almighty God." The Quakers did not like that form, it seemed to them something like an oath; and accordingly you will find that in the reign of George I. they obtained relief from that particular difficulty by an Act which not only removed that difficulty, but went on to relieve them from any other difficulties that might occur—I mean the Act of 8th George I. c. 6. Some reliance was placed on that Act in Mr. Pease's case; but it will be found that it by no means clears away any difficulties that arose therein. It is called an Act for relieving the people called Quakers from any difficulties in taking oaths in cases where oaths are by law to be taken. It recites the form of abjuration laid down in the statute of William III., the inconveniencies that had been found to arise respecting its use, and says—

> "Whereas the inconveniencies experienced by the people called Quakers in taking declarations are not sufficiently removed, be it enacted that in all cases where by law any Quaker is required to subscribe the declaration of fidelity in the form mentioned in the Act of the 1st year of His present Majesty, or to make a solemn declaration or adjuration in the form provided by the Act of the 7th and 8th of William III., or to take the abjuration oath in the manner prescribed by the Act passed in the 1st year of His Majesty's reign"—

Here I will pause to observe that that Act only remedied a special grievance which subsisted under the Act passed in the 6th year of Queen Anne, and it says—

> "That in order to avoid the difficulties that have arisen under the Act for remedying this grievance, the Quaker, when he is required to take the oath of abjuration, shall take this form, instead of the form prescribed by the Act 1st George I."

The words of the form there given differs from the words given in the Act of William, but still they do not contain the words, "on the true faith of a Christian;" another proof that the substance of the oath is not affected by those words. But in Pease's case you did not stand on the Act of the 6th year of Queen Anne, nor even on the statute of George I.; you stood on an abjuration oath totally different in form prescribed by the Act 6th George III. c. 23. When Mr. Pease came to the table to be sworn, his abjuration could not be that provided by the statute of George I., because that form spoke of different things from those mentioned in the Act 6th George III. It spoke of the Pretender James, and the dangers arising from his machinations, and on account of this, the Act 6th George III. was passed, totally altering the form. When Mr. Pease came up to the table, you could not point to any form of words enabling you to dispense with the oath, except that of the Act George I.; and since that gave you a totally different form, not corresponding with the form in the Act 6th George III., it was impossible for Mr. Pease to take his seat, unless you went back to the old Acts, which said generally that Quakers may affirm instead of swearing. I do not complain of the decision in Mr. Pease's case; I argue on the assumption that it was right; but I say that that being right, it is impossible for the House to escape the conclusion that the oaths have been taken in this case. When Mr. Pease came to the table, he could not show in the Statute-book any form of declaration verbally and identically the same with that he wished to make, and which he ultimately did make. He could only show the old declaration of the statute of George I., which was totally inapplicable to the then state of things, and he relied on the general principle that Quakers may affirm, and are excused from swearing, and that not by the words of the Acts, but because, from the force and analogy of the Acts, they may be allowed to affirm instead of swearing. Upon that principle alone, I contend, this House proceeded, and seated Mr. Pease. We have Mr. Pease's evidence before the Committee that a new form of declaration was prepared for him, a totally new form. That is most important when you look to the form which Baron de Rothschild has now subscribed at the table of the House. Mr. Pease came to the table of the House in virtue of a resolution passed by the House not turning on any special form, which was this:—

> "That it appears to this House that Mr. Pease is entitled to take his seat on making a solemn declaration and affirmation to the effect of the oath directed to be taken."

There was no law whatever which allowed the House to do that, unless you reasoned thus: "Quakers are allowed to affirm instead of swearing; 'upon the true faith of a Christian' is swearing; they, therefore, may be allowed to take the oath of abjuration without those words, 'on the true faith of a Christian;' they may take the effect and whole substance of it, and if they do that, they are within the statutes which enable them to take the effect and substance." Well, the resolution I have read was passed by this House. Now, I say, that is the whole question. The whole question we have to argue is this, has Baron de Rothschild sworn the oath? I say the oath; a Quaker was obliged to affirm the substance of the oath—he had only liberty to escape from swearing; and, therefore, because he might escape from swearing, he was allowed to escape taking the words "on the true faith of a Christian." But Baron de Rothschild says, "I wish to take the oaths on the Old Testament;" the House says, "You have a right to swear on the Old Testament;" he then says, "Those words are not binding on me, and are not part of my mode of swearing; they are not binding on me, but I have done all that the Quaker has done, and more, yet you have given the Quaker greater liberty than me. Put me in the position of the Quaker to this extent; you let the Quaker affirm, and by your statutes and resolutions doing that, you have told us what affirmation is and what swearing is; you have told us that 'on the true faith of a Christian' is a form of swearing, and all that I ask is not to be called upon to swear in a form of words which is not applicable to my case." It has already been shown, by the constant dictate of all the celebrated authorities from Augustine downwards, as well as from the solemn judicial decision of Lord Hardwicke in the case of Omychund and Barker, which has ever since been held sound law, that all you have to require from a man who comes to be sworn is, that he shall be sworn by an oath attesting the existence of a Deity who will avenge the falsehood if he shall swear falsely. Every lawyer is aware that you are not even allowed to ask a man whether he is a Christian, or whether he believes the Gospels. The only questions you are permitted to ask are, "Do you believe in a God, and in a future state of rewards and punishments?" When you find, then, words from which you have liberated the Quaker, simply because they constituted a form in which he refused to pledge himself by oath, you cannot refuse the Jew who has taken the oath omitting simply those words of adjuration. Now, we come to the declaratory statute of Victoria, which really only enounces what was the common system of jurisprudence all over Europe, and what was the common system of jurisprudence in this country. What was this? That in all cases where an oath may be lawfully administered to any man, whether as a juryman or a witness, or on his appointment to any office, or on any occasion whatever, such person is bound by the oath so administered if administered in such a form as he declares to be binding upon his conscience. Now, Baron de Rothschild has taken the oath in the form and with the ceremony which he declares to be binding upon his conscience. The House is now in a stronger position than that in which it stood in Mr. Pease's case. In that case too it might apprehend, as here, some danger of that so-much dreaded conflict with authorities out of doors. They might do so, but they were not deterred by it; they boldly did what they thought right in Mr. Pease's case, and seated the Member returned by the constituent body. What was this dreaded contingency? Does it not present itself in an hundred cases? A gentleman is petitioned against for being a contractor; the House determines he is not; but yet he may be sued, and he is liable by statute to a penalty of 400*l.* or 500*l.* if he sits, being a contractor. The court of law is not bound by the decision of the House on the case, and so the contingency occurs immediately. I say that this is a danger which cannot be avoided, when the Legislature enacts matters which concern this House and the public, and on which it is necessary for the House and for the ordinary judicatures to come to a conclusion. The House must take upon itself to decide the matter one way or the other, and ought to do it, I submit, quite irrespectively of what may be the ultimate decision of a court of law on the subject, of course endeavouring to decide it according to law, but not having any fear or dread of doing that which they conceive to be consistent with law and with the justice of the case. But the argument of those who oppose Baron de Rothschild's claim is this: they say that the Act 6th George III., under which the oath of abjuration is now administered, enacts that the oath shall be administered henceforth (abrogating the statute of George I.) in such form and manner as hereinafter set forth; and it is said that "form and manner" means *totidem verbis.* But those who maintain this are in a great difficulty. We do not swear to obey King George III., which is the form in the Act; we none of us swear to that; we swear to obey Queen Victoria. It is remarkable that in the courts of law this change was simply the act of the administering officer; but this House was not quite so easy. This House, on the accession of Anne, appointed a Committee to say how they were to deal with the oaths prescribed to be taken by the statutes of William III. That Committee recommended very large and extensive alterations in the oaths, all of which alterations simply came to this—that the oaths are to be administered *mutatis mutandis.* But if the oaths are to be administered *mutatis mutandis*, we get out of the otherwise insurmountable difficulty which embarrasses those who hold that they are to be administered *totidem verbis. Mutatis mutandis*, I say, can only mean, changing that which the nature and reason of the thing requires you to change. The nature and reason of the thing requires you to change the name of the existing Sovereign; in the same manner the nature and reason of the thing requires you, when you are swearing a Jew, to omit the words, "on the true faith of a Christian." Is there any one who can be absurd enough to defend a position so preposterous as that you should ask a Jew to be sworn "on the true faith of a Christian?" Baron de Rothschild has sworn on the Old Testament, as he was most properly allowed to do; and a new case having arisen, are we to be told that the House may not act as circumstances require? Lord Hardwicke had none of these scruples; he dashed out with one stroke of his pen the words "upon the Holy Gospels," and substituted "in such manner as the witness shall acknowledge binding." We have an over-scrupulous nicety prevailing in this House, I have observed, much beyond what prevails in courts of law, in which hon. Members have got an erroneous notion that niceties and refinements are carried to an extravagant decree of technicality. The consequence is, that when legal questions come before Local Committees, there is a reverence for technicalities far exceeding what prevails in any court of law. As the Chief Baron says, in Omychund *v.* Barker, "when a court finds anything positively and precisely laid down by the existing law, it must decide precisely according to the existing law; but if it finds a doubt existing, or a new case arising, it has recourse to the fountains of law, the principles of reason and common sense." The courts of law continually deal even with statutes in this way. There was a statute—now repealed—with respect to wills, enacting, in the most positive terms, that every person to whom a legacy was given, and who should be a witness, should have the will declared void as respected him, without any exception whatever. The courts of law, in examining the statute, asked what was the reason of it? The ground was, to prevent inconvenience of wills relating to real property being set aside, by a small legacy to any of the witnesses rendering them incompetent as parties interested; the Legislature said, in order to prevent the enormous inconvenience of everybody thus losing the whole property to which he is entitled under the will, we will take away the individual's property in the legacy, and then he will be an unexceptionable witness. But a case arose of a will of personal estate, and the courts of law pronounced the rule inapplicable to this class of cases, and said that the parties should have their legacies notwithstanding the words of the statute were general. That is the way in which, as I wish the House to see, the courts act, on the common sense and reason of the thing when a doubtful point arises. Well, suppose this case then to come before a court of law—they find the words, "on the true faith of a Christian" in the oath; a Jew has refused to take the oath in that form, but he has taken it in his own. They will ask, what was the occasion of this law? Was it levelled at the Jews? Why, no; they look at the meaning of an Act, and in order to discover the true meaning of an Act, and construe it properly, I admit you cannot go out of it; you have no business with anything extrinsical. You must look then at its contents; and you find that if the Jew does not take the oath in this manner and form, the Act pronounces him a "Popish recusant convict." I say, then, that any court of law in England would be perfectly justified in coming to the conclusion that in that state of things this Act was not levelled at the Jews. They would say, "it is impossible that the Legislature can turn a Jew into a Popish recusant." But the matter does not rest here. The court has to look to the inconveniences which may arise in the execution of the Act; and there is one monstrous inconvenience which would arise under the Act of George III., which contains penalties against all those who refuse to take the oath of abjuration. In the 5th section we find that any two magistrates have a right to go into the house of any person in the kingdom whom they conceive to be disaffected, and tender the oath of abjuration; if he refuse it, he is again a Popish recusant convict. Can we conceive that the Legislature intended that any two magistrates might go to a Chartist meeting, select a Jew, and say to him—"Take the oath of abjuration wholly and entirely; if you do not, you are a Popish recusant convict, and shall be dealt with accordingly." When the Judge came to look at the Act, he would say it was nonsense to pretend that there was any intention of applying it to a Jew. If that is so, let us see if there is anything else in the Act requiring the oath to be taken on the true faith of a Christian. The Act says it should be taken "in the manner and form following;" but then you have the statute of Victoria, declaring that any person taking the oath in the manner which he declares to be binding upon his conscience shall be held to have taken it in the true manner and form. Then the only difference between us can be this—is the portion we call the form contained in the words "the true faith of a Christian," any more than can be said to be contained in the words "the holy gospels," or in the ceremony of kissing the book? I have dwelt on this previously, and there is no occasion to re-argue the point. It appears to me, that any court of justice in the kingdom, going through the whole Act, and construing its sense fairly, finding that if it was levelled at any particular class, that class could not be Jews, and that a certain class of religionists, the Quakers, had been exempted from its operation on the ground of its being an oath, and permitted to give their affirmation instead—finding, also, that an individual had taken the oath in the manner he declared binding on his conscience, and therefore had taken the oath fully in the manner required by law—must find in consequence that Baron de Rothschild had been sworn to the complete effect and substance of the oath. No court in the world could hold that he was liable to the penalties provided for breaking it. I now come to the argument which is, I believe, the only one that can be said to have any shadow of weight in it, and it is but a shadow. Our opponents say the Legislature has thought fit, on two occasions, expressly to enact that the Jews shall have this oath administered to them without the words "on the true faith of a Christian;" and they add, if the Legislature has so enacted in two cases, it is necessary to enact similarly in every case; and if so, you cannot get rid of the difficulty without another Act. Those two Acts are, first, the 10th Geo. I., obliging all persons being Papists to register their names and real estates, and to take the oath of abjuration under penalty of forfeiting their estates; this Act says, that to persons professing the Jewish religion, the oath shall be administered, omitting the words "on the true faith of a Christian," in like manner as Jews are sworn in courts of justice. This Act does not at all show that these words are not words of adjuration. I can well understand, however, that the courts might at this period have had some difficulty in such a case; for the great case of Omychund and Barker had not yet occurred, by which it was decided that oaths were to be administered to every one according to the form of their religion, and it was therefore quite right that those doubts should be cleared away. The other Act is the 13th of Geo. II., passed after the argument in that case, and it is remarkable that this Act does not take upon itself to say positively that the Jews cannot take the oath. It is an Act for naturalising foreign Protestants and others; and the third section says that, whereas the words, "on the true faith of a Christian" are contained in the latter part of the oath, and whereas persons professing the Jewish religion may be prevented from taking the oath, &c.—observe, "may." It does not say that they will or must be so prevented, but suggests a doubt that they may be, and thereupon proceeds to point out how the difficulty is to be removed. The plain and clear sense is, that the oath is to be administered in the form which Jews admit to be binding. Hon. Members will find that Acts of Parliament very commonly enact much of that which is already law. Here you have only a *primâ facie* case, suggested at a time when the matter was not settled, and the principles of law not so clearly understood as now; and after all, the Act only says, that the Jews may be prevented from taking the oath. Let us assume for a moment that this is the argument. If you find an Act of Parliament enacting that such and such a state of things should be law, and not a declaratory law, you assume that the law must have been different prior to the passing of the Act. Where would the House have stood in Mr. Pease's case? There was an Act passed afterwards, saying that the oath was to be taken in the very way in which Mr. Pease had already taken it, yet it was not declaratory. According to the argument I am supposing, before you passed that Act, the Quakers could not affirm the effect of the oath in the way Mr. Pease did affirm it. And yet Mr. Pease did so affirm, and the House allowed it. Just so in this case, according to the argument I am supposing, we find an Act of Parliament saying that the Jews may take the oath in a particular way; therefore we are asked to presume that they could not take it in that way before the Act passed. So much then for the apprehension of conflict between this House and some of the lower courts of jurisdiction. If you say that a man is to be deprived of the rights and privileges to which he is entitled by virtue of some doubtful Act of Parliament which may be thought inconsistent with them, I say that in Mr. Pease's case you had virtually no foundation to go upon when you determined that he should take his seat. But the truth is, you acted rightly in Pease's case. You acted upon a general principle there, and the case is most important. It is a very solemn duty we have now to perform. We are about to exclude a gentleman who, by the resolution we have already passed, is declared to have a clear and distinct right to his seat—who has been elected twice by one of the first constituencies of the kingdom, and who is admitted to be in every respect qualified as a representative; and to exclude him upon the narrowest technicality which the mind of man can conceive. I deny that there being a statute which introduces into an oath the words "on the true faith of a Christian," following in the wake of an old statute of King James for the suppression of Popery, and declaring that persons refusing the oath are Popish recusants, any court of law in the kingdom would say that the Act had any application whatever to such a case as that before us. I feel very great confidence that the only conclusion to which a court of law must come would be, that the oath must be taken in its full substance and effect; that Baron de Rothschild has been sworn in the form most binding upon his conscience; that he has, therefore, taken the oath in a legal manner, and is bound by it. The noble Lord at the head of the Government has said that the House must not take upon itself any dispensing power. The courts do not take upon themselves any dispensing power, but they act with large liberality in the construction both of common and statute law. The courts of common law got rid of the statute of Edward I. regarding entails, by their systems of fines and recoveries. In the case of Omychund and Barker, they got rid of a common-law writ which had existed for centuries; they got rid of the difficulties arising from the state of the law as to legacies. The courts of law look to the substance and true meaning of the Act, and are not to be diverted from giving it effect by miserable technicalities. When a party comes to be sued for pecuniary or other penalties, they will view the Act in the strictest possible way, examine every clause and every word, and rule every point favourably to the defendant. In this case, then, the courts would strain every point not against but for Baron de Rothschild. Here, in this House, the penalty is that of forfeiting the immense privilege of representing the electors of the metropolis. The person elected bears in himself the rights and privileges of that great body of electors, and we are bound, therefore, to give the Act the fairest and most reasonable construction. It is impossible for you, then—for the reasons I urged at the commencement of my address—to accede to the Motion of the hon. and learned Member for Abingdon, which states that the seat is void. But I go beyond that, and say that you must accede to the proposition I have made, because, upon the whole effect of the statutes, and upon a liberal construction of them, the only question that arises is, "Has the Crown preserved to itself the security which those Acts were intended to give it?" All that you want is, that the succession to the Crown, which those Acts were passed to strengthen, should remain in unshaken security. Baron de Rothschild has taken the oaths in the manner which the Act of Victoria directs—the manner most binding on him in conscience and honour; he is willing to assent to the full protection which the Legislature declared the Crown should have, and which we all have a right to have against any invasion of our liberties by a pretender to the Crown. I ask you then to say, whether the whole effect and substance of the oath has not been adhered to in this instance, as required by law, and whether Baron de Rothschild is not entitled to take his seat.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House is of opinion, that the Seat of Baron Lionel Nathan de Rothschild, as one of the Members for the City of London, is full,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. B. OSBORNE seconded the Amendment.

The ATTORNEY GENERAL said, he would express as shortly and distinctly as he could the views he had formed upon this subject. He had endeavoured to divest himself of every wish, of every feeling, he had previously entertained upon this question. The House was aware that on every occasion when the question came before the House, he had voted for the admission of the Jews, he had expressed his opinion in favour of their admission, and his intention to do everything he could in order to obtain for them admission. But, on the present occasion, he felt that he was bound to discard, as far as possible, every feeling of that description; the functions which the House had to discharge now being of a purely judicial character—not of a *quasi* judicial character, but of a purely judicial character, and nothing else. He expressed himself thus strongly, because it was impossible not to perceive—as it was perhaps impossible that there should not exist—a strong degree of personal feeling on both sides, whether the hon. Member for the city of London should be allowed to take his seat in that House. The hon. and learned Member for Abingdon had moved that a new writ should issue for the city of London; but he must say that he entertained some doubts whether that was the right course to pursue, even assuming that his hon. and learned Friend's view of the case was the correct one. He could not doubt that the Motion of his hon. and learned Friend the Member for the city of Oxford was right, if it were once admitted that the view he had taken of the case was correct. In reference to this part of the case, they would perhaps permit him to refer to the case of Mr. O'Connell. He admitted that there was some difference between the cases, but still they were sufficiently similar for his purpose. Mr. O'Connell was called in on the Friday, and asked if he would take the oaths. He stated that he was content to take the oaths of allegiance and abjuration, but that he could not take the oath of supremacy. Thereupon the debate was adjourned, and on the following Monday, Mr. O'Connell was heard at the bar of the House. On the following day he was again called to the bar. The Speaker asked him if he was willing to take the oath. On his refusal, a resolution was come to that he was not entitled to sit in the House unless he took the oaths, and therefore that a new writ should issue. Now, it appeared to him that there was some distinction between that case and the present, because the hon. Member for the city of London had not refused to take any oath, but contended that he had taken the oaths in the form most binding on his conscience; but if the House should be of opinion that he had not taken the oaths in the form prescribed by law, still he was of opinion that, as in the case of O'Connell, he should be again called in, and that Mr. Speaker should again ask him if he still refused to take the oaths. If it was quite certain that the Member for the city of London would refuse to take the oath in any other form, then that proceeding would be superfluous; and if the view taken by the hon. and learned Member for Abingdon should meet the concurrence of the House, then his Motion would follow. With respect to the question, he had come to a conclusion which was a very painful one to him; but he felt that, if he were sitting as a judge solemnly to decide the case under the obligation of an oath in such a manner as to administer substantial justice to both parties, he could not say that the hon. Member for the city of London had taken the oaths. He had listened with the greatest interest and pleasure to, he must say, the able legal argument of his hon. and learned Friend the Member for the city of Oxford; and knowing, as he (the Attorney General) did, the sincerity and earnestness of his mind, it was with great regret he felt constrained to say that his hon. and learned Friend's arguments had not produced any effect upon his mind, and he would state his reasons very shortly; for really what his hon. and learned Friend the Member for Abingdon had stated, taken with what his noble Friend at the head of the Government said yesterday, seemed to him to contain the substance of the whole argument. Here was a statute which prescribed an oath to be taken. Could they tamper with that statute—could they say that there was any part of the oath which was not of the substance of the oath—could they say, when they had an oath in which there was the common abjuration at the end, "So help me God"—could they say that the clause previous to that, "on the true faith of a Christian," meant the same thing, and was to be treated simply as a synonymous expression, and might therefore be dispensed with and struck out? He must say he was not able to come to that conclusion; and though a great deal of ingenuity had been expended upon the point by his hon. and learned Friend, nothing that he had alleged was, in his view, able to get over the plain and common-sense meaning of the statute. Here was an oath which was to be taken in certain set words—it was a statute they were bound to obey. They had not the power to vary it. That was really, as it appeared to him, the substantial argument in favour of the view of the hon. and learned Member for Abingdon; and he could not get over it, nor would he weary the House with more than one or two additional grounds which appeared to him to strengthen this view of the case. It appeared to him to be a dangerous doctrine to hold that a particular set of words were merely in the form of abjuration, and might be got rid of as something distinct or different from the oath itself. And with relation to the present case, he thought that view was overruled by the two statutes 10th George I. and 13th George II. These statutes referred to oaths which in certain circumstances were to be taken by Jews; and as it was admitted that no Jew could take an oath containing the words "on the true faith of a Christian," the statutes went to alter the form of the oath by omitting these words, in order that they might take it. This was not a declaratory statute, as his hon. and learned Friend had attempted to show; it was in terms an express and distinct enacting statute. Then how could it be said that in the present case the Legislature had put words into an oath which might be dispensed with, when in another and analogous case it was held that these words could not be dispensed with without an Act of the Legislature? He would now refer to the case of Mr. Pease, and see how it stood. Mr. Pease's case did not appear very distinct, but he would assume that the words "on the true faith of a Christian" were omitted—[Mr. B. OSBORNE: Mr. Pease himself says they were.] He would admit that; but it undoubtedly formed no part of the decision of Parliament. The only thing decided by Parliament was, that he should take an affirmation instead of an oath. It was notorious to Parliament, and it was notorious to the whole world, that a Quaker was a Christian. The question never rose, whether Mr. Pease was to be treated as a Christian. It was true he objected to the words "on the true faith of a Christian," because there was something in them of the form of an abjuration, and he objected to them as he would have objected to the words—"on the true faith of a gentleman." But if the question had been raised, and if it had been stated that he must necessarily affirm that he was a Christian, Mr. Pease would not have had the slightest hesitation to affirm that he was so. Then, he must say, that the observations of his hon. and learned Friend on the 3rd and 4th William IV., instead of assisting the present question, really appeared to have a contrary tendency, because it would appear from that Act as if Parliament had doubted whether it had acted correctly; and in order to set at rest all doubts and disputes on that point, Parliament passed, not a declaratory but an enacting statute. There could be no doubt that if Baron de Rothschild were now allowed to take his seat, and an Act analogous to that of the 3rd and 4th William IV. were afterwards passed, all doubts on that particular case would be removed. He must, therefore, state that Mr. Pease's case was not conclusive on the present occasion; but even if it were considered to be strictly analogous to the present case; would it be contended that it clearly appeared — seeing Parliament had itself passed an Act to correct any errors it might have fallen into on that occasion—that that was a precedent fit and proper for the House to follow? To him it appeared to amount to no more than this—that no decision of this House could enable them to dispense with the Act of Parliament. He would now refer to another Act, which had been much quoted, the 1st and 2nd Vict., which enacted that in all cases where an oath is taken in the form most binding on the conscience, such oath shall be held valid and binding. Now, as his noble Friend stated yesterday, that Act referred to courts of law; but there was nothing in the Act which enabled them to administer an oath, the terms of which were prescribed, in a manner different from that in which it was prescribed; all that it really amounted to was only this, that when an oath was taken in a particular form, the person taking it should be liable to all the consequences as if he had taken it in the usual manner. Therefore, on looking to this Act most attentively, he must say he failed to observe anything in it which compelled the House to administer the oath, or enabled the Member for the city of London to take it in the form he desired. He could not fail to the struck with the fact that a great part of his hon. and learned Friend's argument went to this, that the oaths were of no avail, for he asserted that the oath of allegiance was covered by the oath of fidelity, and that the oath of abjuration was unnecessary, for there was nobody to abjure. But the proper course, when an oath encumbered the Statute-book, was to remove it. But that House had not of itself power to say that this was a useless oath, and therefore they might dispense with it. He must say he felt strongly upon this point, because let them observe the consequences. If they were to judge whether an oath was useless or not, that would absolutely be claiming a power in the House of Commons to dispense with any oath. The only safe way was not to look a bit beyond the letter of the statute. Undoubtedly there were a number of useless and evil laws which infested the Statute-book; nay, he might say they were not only useless but injurious; but it was not to be thought they could therefore dispense with them. He saw no middle course, therefore, between standing upon the exact words as imposed by statute, and coming to a dispensing power, which, carried out to its full extent, might enable them to abrogate all the laws of the realm. He was quite ready to admit that the observations of his hon. and learned Friend with respect to the courts of law, and the manner in which they had dealt with Acts of Parliament, were correct. But he could not say that the rules of the courts of law in that respect were worthy of their imitation. There were several cases in which the courts of law had, by a series of decisions, repealed Acts of Parliament. The Statute of Uses was absolutely repealed by a series of decisions in the courts of law, and so was the Statute of Frauds. But he conceived that that was not a wise course which the courts of justice should pursue. They were much stricter in modern times; and it was not a wise thing to allow courts of justice to dispense with Acts of Parliament; but, above all, it appeared to him that it was incumbent on this House of Parliament to keep strictly within the letter of a statute, which it was in its power at any time to remove, if it could obtain the assent of the other House and of the Crown. The most dangerous results would arise from any other course. Observe what Baron de Rothschild did with respect to the oath of abjuration. He took the oath in the regular manner till he came to the words "on the true faith of a Christian," and then he stated he would omit those words because they were not binding on his conscience. But, was it not possible that some other person might conscientiously omit some other part of the oath because it was not binding on his conscience? Was it not possible that other oaths or other parts might be omitted because the party considered that they were not binding on his conscience? He (the Attorney General) had voted that Baron de Rothschild should be at liberty to take the oaths in the manner that he considered binding on his conscience; but he did not then refer, nor did he consider it necessary to refer, to the nature of the oaths which he was about to take. He never intended to vote that Baron de Rothschild should constitute himself the judge as to what words he would omit as not binding on his conscience. For that he could not conscientiously vote according to the view he took of the case. It had been stated by his hon. and learned Friend, that, in point of fact, they did change the form of the oath; that the change was made from the words "Our Sovereign Lord King George," to "Our Sovereign Lady Queen Victoria." But he would really submit—and the matter was familiar to every lawyer—that that was no change at all. It might as well be said that there was a change in the oath because they inserted the name of the party taking it instead of the usual form, "I, A. B." Giving, therefore, the best attention to the subject that he possibly could, it did appear to him that the words "on the true faith of a Christian" were a part of the oath to be taken, and that though it was partly of an abjuratory character, yet it was not the less a part of the oath which it was the duty of Members to take before they could take their seat in the House. His hon. and learned Friend had expressed surprise that the noble Lord at the head of the Government should have expressed an opinion upon this subject before he heard the argument. But his hon. and learned Friend was himself in the same situation—he had expressed an opinion before he heard the arguments; and the fact was, that every person must necessarily look into the case for himself—see what its bearings were, and then come to a conclusion. He had not hesitated to state the result to which he had come, liable no doubt to be altered by argument. He had listened with the greatest attention to what, he must say, was the ablest argument he had ever heard on this subject, from his hon. and learned Friend; but that argument had failed to remove from his mind the difficulties raised by what he might call the broad and common-sense view of the question. That though the Act might be useless—though it might be foolish—though it might be unnecessary—yet they could not, so long as it remained on the Statute-book, dispense with any portion of the oath which it presented. He believed that these words, "on the true faith of a Christian," were an essential part of the oath. ["Oh, oh!"] He was speaking simply in a judicial character, and he must say, conscientiously, that Baron de Rothschild had not taken the oaths in the form which was prescribed by the Act of Parliament, or in the manner which would qualify him to take his seat in that House.

Mr. C. ANSTEY said, that although he considered the speech of the hon. and learned Attorney General both illogical and self-contradictory, he believed it to be the ablest that could be delivered on that side of the question. He believed, too, that it had been made with the view of giving some sort of justification to the indiscreet and unreasonable speech of the noble Lord at the head of the Government on the previous day. His hon. and learned Friend, however, had forgotten one point, and had, in consequence, fallen into the very error of the noble Lord. He forcibly reminded the House that this was a judicial question. If so, why was it to be prejudged? Why was it made a Cabinet question? Why was the law officer of the Crown put forward to defend the course of the Prime Minister? Surely it would have been more seemly and decorous in hon. Gentlemen on the Treasury bench to have allowed the friends of Baron de Rothschild to have exhausted the arguments in support of his claim before they called upon a majority to disaffirm it; for no one could doubt, after the speech of the noble Lord the day before, and of the hon. and learned Attorney General that day, that such would be the course pursued. He protested against this prejudging of a judicial question. The speech of his hon. and learned Friend the Attorney General was no reply to the arguments of the hon. and learned Member for Oxford. He contented himself with the *sic volo sic jubeo* declaration that such was his opinion, and that he had arrived at it with much difficulty. The Minister said it was a question of doubt. If so, why not give the claimant the benefit of the doubt? Simply because he was a Jew, and belonged to a body that was neither powerful nor formidable. The course taken with regard to Mr. O'Connell was not thought necessary to-day. But the Roman Catholics of Ireland whom he (Mr. O'Connell) represented, were 7,000,000; the Jews only 40,000. His hon. and learned Friend had not even attempted a reply to the argument raised on the case of Mr. Pease, who was admitted into Parliament on an affirmation prepared by himself, unopposed even by the hon. Baronet the Member for Oxford University, and absolutely confirmed afterwards by an Act of Parliament, so satisfied was Parliament that the course which had been taken was correct. His hon. and learned Friend wriggled out of the difficulty by declining to say on the one hand that a new writ ought to issue, or on the other that the seat was full. And yet this was a judicial question. He believed that there was not a single court of justice in Christendom that would disgrace itself by such a mockery of justice. The Act of George III. required that the oath should be taken in the form therein stated, that the parties should swear true allegiance to King George the Third, and that they should abjure all allegiance to the house of Stuart. The hon. and learned Gentleman said that Act was no longer valid, George the Third not being now in existence, and the House of Stuart being no more. At every vicissitude there was a new Act of Parliament. There was one on the death of Queen Anne, and on the death of George the First, and another in the reign of George the Third, which superseded all the others; and it was intended by that Act that the oaths of abjuration should cease when the necessity for them passed away. The oath expired on the death of the Sovereign; and according to the argument of the hon. and learned Gentleman the Attorney General, it was not competent for Parliament to alter the oath. The House of Commons had dispensed with the oath in the case of Mr. Pease, and Parliament subsequently passed a declaratory Act, taking the affirmation of Quakers instead of an oath. The hon. and learned Gentleman the Attorney General said that was a good precedent; but he had a higher authority than the hon. and learned Gentleman; he had the authority of the noble Lord now at the head of the Government, who, in a speech made on the 12th of March in that House, when his hon. Friend moved his Committee to inquire into precedents relating to the question of Jews, or other persons being admitted to take their seats in the House without being sworn, said—

> "It was of very great importance that there should be a Committee. It appeared to him that the question both as to the Acts of Parliament, and as to the manner in which the House interpreted the Acts in the case of Mr. Pease, were of very considerable consequence. He was at a loss to understand how it was that Mr. Pease made affirmation in the way he did, and that afterwards an Act should be passed appointing the mode in which that affirmation should be made, for, if the House were justified in admitting Mr. Pease upon his affirmation, it appeared to be unnecessary afterwards to enact, by a fresh Act, that he should make that affirmation in a certain way."

That was the declaration of the Prime Minister, who told them yesterday that the point was not new to him. But how had the courts dealt with the oath of abjuration? He could tell the House that they had in some cases altered the whole body of the oath. Then would it not be an answer to any action for pains and penalties, that he took the oaths according to the decision of the House of which he was a Member? The same argument was used with great effect by the right hon. Gentleman the Member for Montgomeryshire in the case of O'Connell. He told them that whatever their decision might be that day, it would be binding in any court of law. He (Mr. Anstey) said the same in this case. They ought not to shrink from doing their duty, and let the courts do theirs, *fiat justitia ruat cœlum.* He did not wish to subject Baron de Rothschild not only to the loss of his seat, but to perpetual disability; and he therefore gave his hearty support to the Amendment proposed by the hon. and learned Member for the city of Oxford.

MR. HUME wished to ask one plain question. It would be quite impossible for him to attempt to enter into the legal arguments of the case, after the very masterly and very able speech of his hon. and learned Friend the Member for the city of Oxford; but he wished to observe that one argument had been used which had not been answered by the hon. and learned Member for Abingdon. The hon. and learned Member called upon the House to agree to a Motion to the effect that the hon. Member for the city of London had virtually vacated his seat, because he had not taken the oath of abjuration in the prescribed form; and he wished to ask him by what statute or by what law he considered the hon. Member had rendered his seat vacant? Now no one, he apprehended, would doubt that the Baron de Rothschild had taken the oaths of allegiance and supremacy, and having taken those two oaths, he (Mr. Hume) contended that he could not be expelled. The last oath, the oath of abjuration, was one of pains and penalties, but the Baron de Rothschild would not be subject to those pains and penalties unless he had sat and voted. Perhaps it might be better, as the hon. and learned Attorney General was in the House, that he should put the question to him. He wished to know from that hon. and learned Gentleman by what law the hon. Member for the city of London had vacated his seat? He had taken the oaths of supremacy and allegiance; but it was said he had not taken the oath of abjuration. In his (Mr. Hume's) opinion, he had.

The ATTORNEY GENERAL said, it appeared to him the seat did become vacant, assuming that Baron de Rothschild substantially refused to take the oath of abjuration. The statute of the 6th Geo. III., c. 53, enacted that all persons refusing to take the oath of abjuration should be " subject and liable to the same penalties and disabilities as by the laws and statutes aforesaid were enacted." In the laws and statutes previously referred to, was included the statute of William III.—[Mr. P. Wood: No, no!]—the statute of William III., which declared that a person was disabled from sitting and voting.

Mr. B. OSBORNE: What became of the statute of George III.?

The ATTORNEY GENERAL: The one statute over-rode the other.

Mr. W. P. WOOD would ask the hon. and learned Attorney General to read the words which he supposed continued in the succeeding Act the penalties in question.

The ATTORNEY GENERAL read the words which referred to the penalties imposed by the statutes now subsisting. They were as follows:—

> "And that all and every person and persons who are enjoined and required to administer, take, or subscribe the oath of abjuration and the assurance in the said above-mentioned Act contained, shall respectively administer, take, and subscribe the oath of abjuration, and subscribe the assurance, according to the form herein set down and prescribed in such courts within such time limited, in such manner and with due observance to the same requisites, and with benefit of the same savings, provisoes, and indemnities as by the said Act above mentioned, or by any other Acts, or any other part of them now subsisting, are directed and enacted; and in case of neglect or refusal, he or they shall be subject and liable to the same penalties and disabilities as by the laws and statutes aforesaid are enacted."

He contended that the Act of Parliament not having been repealed, the penalties must be held to continue.

Mr. W. P. WOOD said, the Act of 1st Geo. I., had been distinctly repealed, and a new oath and new penalties had been substituted.

The ATTORNEY GENERAL desired there should be no misunderstanding on this point. His hon. and learned Friend would admit there had been no direct repeal of the Act of William III. He contended, however, that it had been virtually repealed, and that other penalties had been imposed.—[Mr. W. P. Wood: And another oath.] He could not admit that the Act had been repealed. The later statute found the statute of William III. in force, and enacted that the penalties enumerated in "existing statutes" were to be continued.

Mr. V. SMITH was not prepared to assume that the Baron de Rothschild had refused to take the oaths, yet that was the first declaration in the Motion of the hon. and learned Member for Abingdon. That hon. and learned Gentleman also proposed that a new writ should be issued for the city of London. On what ground did he make that proposition? The most eminent legal authorities differed as to whether the law disabled Baron de Rothschild from sitting in Parliament or not. The report of the Committee which had been presided over by the hon. and learned Member for the city of Oxford, who had argued this question with so much ability, referred to the statute of the 1st of George I., c. 13. That Act altered the form of the abjuration oath to be taken by Members of Parliament; the report stated that, as the form had been again further altered, the Committee did not consider it necessary to set it out at length in their report, and that they would merely remark that by section 17 the penalties for non-compliance were precisely the same in respect of Members of Parliament as those contained in the 13th of William III., c. 6, except that the declaration—

> "That the offender shall be deemed a Popish recusant convict, and shall forfeit and suffer as such, and shall be disabled from holding or executing any office or place of trust, civil or military,"

was omitted. He understood the hon. and learned Member for the city of Oxford to say, that there was excepted the disability to sit in Parliament. Now, was that the case? Was that in force? If so, the House had no power to issue a new writ.

They should have time to consider, if not a Committee to inquire into, the actual state of the law. Gentlemen would come to the worst of all party votes if they pretended to construe the law with their present information.

SIR G. GREY felt, to a certain degree, the difficulty which had just been stated by his right hon. Friend. The Motion of the hon. and learned Gentleman the Member for Abingdon, he believed, recited that Baron de Rothschild had refused to take the oaths prescribed by law; what he understood Baron de Rothschild to say, and what he presumed would be entered upon the journals of the House, was, "I omit those concluding words because they are not binding upon my conscience." He (Sir G. Grey) was prepared to vote against the Amendment of the hon. and learned Member for the city of Oxford, that the seat was full, but thought the House ought to proceed with great caution and deliberation before agreeing to the issuing of a new writ. It must be remembered that this would be a precedent for future times; that there would appear upon the journals a statement that a Member came to the table, took the first two oaths prescribed by law, and took the last with the omission of certain words, alleging as a reason for not taking those words, not that he could not conscientiously take them, not that he positively refused or declined to take them, but that he omitted them because they were not binding upon his conscience. Now, he (Sir G. Grey) thought, with the hon. and learned Attorney General, that those words formed part of the oath prescribed by law, and that the House was not authorised to exercise a dispensing power, and say that the oath was complete without those words; but he thought the House ought to have something more than the mere statement of a Member that he omitted them because they were not binding upon his conscience before they proceeded to declare the seat vacant. There was also another question raised by the hon. and learned Member for the city of Oxford, namely, whether, assuming the refusal to be final and complete, the seat thereby, under the existing statutes, became vacant. He understood the hon. and learned Member to refer, first, to the 30th of Charles II., which had no reference to the oath of abjuration, but referred merely to the two other oaths, and that that Act expressly declared that in the event of a refusal to take those two oaths of allegiance and supremacy, the seat should be void, and a new writ should issue; and the hon. and learned Member remarked that this was the clear and unambiguous language of Parliament when it meant to declare the seat vacant. But his hon. and learned Friend did not, he thought, place sufficient stress on the fact that the 13th Wm. III., c. 6, which contained the oath of abjuration, also provided—

> "That from and after the 25th day of March, in the year of our Lord 1702, no person that now is or hereafter shall be a Peer of this realm, or Member of the House of Peers, shall vote or make his proxy in the House of Peers, or sit there during any debate in the said House of Peers; nor any person that now is or hereafter shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there, during any debate in the said House of Commons, after their Speaker is chosen, until such Peer or Member shall from time to time respectively take the oath aforesaid, and subscribe the same in manner following (that is to say), the said oath shall be in this and every succeeding Parliament solemnly and publicly made and subscribed, between the hours of nine in the morning and four in the afternoon, by every such Peer and Member of the House of Peers, at the table in the middle of the said House, before he takes his place in the said House of Peers, and whilst a full House of Peers is there, with their Speaker in his place; and by every such Member of the House of Commons, at the table in the middle of the said House, and whilst a full House of Commons is there duly sitting, with their Speaker in his chair."

And it further enacts—

> "That if any person that now is or hereafter shall be a Peer of this realm, or Member of the House of Peers, or Member of the House of Commons, in this or any succeeding Parliament, shall after the said 25th day of March presume to vote or make his proxy, not having taken the said oath and subscribed the same as aforesaid, every such Peer or Member so offending shall from thenceforth be deemed and adjudged a Popish recusant convict to all intents and purposes whatsoever, and shall forfeit and suffer as a Popish recusant convict, and shall be disabled to hold or execute any office, or place of profit or trust, civil or military, in any of His Majesty's realms of England or Ireland, dominion of Wales, or town of Berwick-upon-Tweed, or in any of His Majesty's islands or foreign plantations to the said realms belonging; and shall be disabled from thenceforth to sit or vote in either House of Parliament, or make a proxy in the House of Peers."

Such were the words of the 13th William III. His hon. and learned Friend contended that this statute had been repealed, and admitted that, if were in force, it would justify the issue of a new writ, and bar any Member not taking the oath of abjuration from voting or sitting in that House. He would not dwell upon the 1st Anne, sec. 2, c. 22, nor upon the 6th Anne, c. 7, which also enacted that the oath of abjuration should be taken, and contained the words, "on the true faith of a Christian," but would advert to the subsequent Acts. The 1st George I., c. 6, admitted Quakers by affirmation instead of the oath of abjuration; but being special in its restriction to that body, the 6th George III., c. 53, recited the Act of 1st George I., and enacted that—

> "From and after the 4th day of June, 1766, the oath of abjuration in the said Act (1st George I.) shall be administered in such manner and form as hereinafter set down and prescribed."

The form of oath was then recited, and it distinctly contained the words—

> "And I do make this recognition, acknowledgment, abjuration, renunciation, and promise, heartily, willingly, and truly, upon the true faith of a Christian."

But what further ?—

> "And that all and every person and persons who are enjoined and required to administer, take, or subscribe the oath of abjuration and the assurance in the said above-mentioned Act contained, shall respectively administer, take, and subscribe the oath of abjuration, and subscribe the assurance according to the form herein set down and prescribed in such courts within such time limited, in such manner and with due observance of the same requisites, and with benefit of the same savings, provisoes, and indemnities as by the said Act above-mentioned, or by any other Acts, or any part of them now subsisting, are directed and enacted; and in case of neglect or refusal, he or they shall be subject and liable to the same penalties and disabilities as by the laws and statutes aforesaid are enacted."

Thus making the party refusing to take the oath subject to the penalties of 1st George I., and not merely of that Act, but to the penalties in every other Act then subsisting. The real question was whether the 1st of George I. repealed the Act of William III. by implication. He (Sir G. Grey) had the strongest opinion that it did not; but, sitting judicially as the House was, he thought they would be acting hastily, if with the conflict of opinion upon that question, they should order a new writ without taking more time to look into a point upon which the hon. and learned Member for the city of Oxford, and the hon. and learned Attorney General, appeared to be at variance. Forming the best opinion that he (Sir G. Grey) could, he agreed with his hon. and learned Friend, that the Act of William III. was in force at the time of the passing the 6th George III., and was still in force, and was one of the Acts there referred to as subsisting, and that the penalties of the Act of William III. were kept alive by the 6th of George III., and still attached to a Member refusing this oath. But, upon both grounds—the question whether there had been such a distinct refusal to take the oath as to bring the case within the Act, and whether the Act was still in force—he thought it would be well not to adopt the Motion of the hon. and learned Member for Abingdon, without further consideration and investigation.

Sir F. THESIGER said, he was extremely anxious that the House should proceed in this matter with all proper caution and deliberation. In proposing the resolution in the form in which it was submitted, he believed he was following the course of precedent. There could be no doubt whatever that instances had occurred in the journals of the House in which persons had come to the table, and upon their refusal to take the oaths there had been an immediate Motion for the issue of a new writ. In the present instance, Baron de Rothschild, after going through two of the oaths, and the greater part of the third, came to the words, "on the true faith of a Christian," which in his (Sir F. Thesiger's) opinion were a necessary and essential part of the oath, and then closed the book, saying, "I omit that portion of the oath, because I do not consider it binding on my conscience." [Mr. Hume: "I omit those words," was the expression.] "I omit those words," and Baron de Rothschild then kissed the book. Now, he had certainly understood, when Baron de Rothschild said, "I omit those words" for the reasons he explained, that it was a distinct refusal to swear those words. He (Sir F. Thesiger) had no desire to preclude by any misrepresentation a Member who had been returned to that House; but if this was a refusal to take a substantial portion of the oath, he should like to be informed in what mode the hon. and learned Gentleman the Member for the city of Oxford proposed they should ascertain clearly and distinctly whether it is the intention of Baron de Rothschild to take the oath prescribed by Act of Parliament. He was in the hands of the House, and was ready to pursue any course they might think fair and right.

Mr. W. P. WOOD: I have communicated with Baron de Rothschild, and I am authorised to say that what fell from him may be taken as a refusal to take these words.

Sir F. THESIGER apprehended, then, the hon. and learned Attorney General would readily grant that there was no necessity for giving Baron de Rothschild on the present occasion what the hon. and learned Gentleman called a *locus penitentiæ*, as, if the Baron de Rothschild were called in again, he would only repeat what he had already said, and what he had declared to be equivalent to a refusal.

SIR G. GREY said, after what what had fallen from the hon. and learned Member for the city of Oxford, namely, that the words of Baron de Rothschild were to be considered a refusal to take the words in question, he proposed to follow the precedent adopted in the case of Mr. O'Connell. Mr. O'Connell came to the table and refused to take the oath of supremacy. That refusal was not held to be final by the House; but, after debating the question, the House decided, not that a new writ should issue, but that Mr. O'Connell was not entitled to take his seat without taking the oath. Mr. O'Connell was then called in, and he asked to look at the oath. "I decline to take it," he said, "because it contains two propositions which I believe to be untrue." The course in that case would have been to communicate to Baron de Rothschild that the words were essential, and it would be for him then to decline to take them. If the words uttered by Baron de Rothschild were to be regarded as a refusal to take the words, and they could appear upon the journals of the House, another objection would be got rid of.

MR. ROEBUCK hoped the House, on coming to a decision, would not proceed too fast. There were two propositions now before them. First, there was the refusal to pronounce the words "on the true faith of a Christian;" the next proposition was, whether the refusal to take these words was in fact a refusal to take the oath. The second proposition was one which they must resolve amongst themselves: all that they were authorised to assume by the hon. and learned Member for the city of Oxford was, that Baron de Rothschild refuses to take these words. He (Mr. Roebuck) should be prepared at the proper time to argue that he had taken the oath.

MR. ALDERMAN SIDNEY said, he felt considerable difficulty in rising, after so many able lawyers had spoken; but the question was, whether they were fit in that House to decide the matter at variance or not. If it was a judicial question, and the House were the judges, he took it that it did not require the learning of a lawyer to enable them to form an opinion, but the sound sense and the common sense of an individual. He had listened with interest to the debates of the last three days, and he had asked himself the question whether, if the matter were referred to him as a magistrate, he could decide that Baron de Rothschild had taken the oath of abjuration? Well, after hearing all the arguments on both sides, he had come to the conclusion that the question whether they were to admit a Jew or not, had been virtually decided by last night's debate. The party stated his belief in the Old Testament: he was permitted to approach the table of the House, and subscribe the oaths upon the Old Testament. Therefore the question was now narrowed to the very smallest issue, namely, whether the House were competent to construe the oaths to be administered in a judicial sense. If they were to act judicially, this was a question, above all others, that concerned their characters as judges. That character required them to divest themselves of every prejudice and all party feeling; and he would ask the supporters of the Government on the other side of the House to consider that this was not a party question, in which they could reconcile their minds to follow the leader of their party. To gain credit either from their own consciences or from the country, they must act as magistrates and judges. For his own part, he considered the time had gone by when the House ought to declare to the world that a constituency like the enlightened constituency of the city of London was not competent to form an opinion as to the candidate that was fit to represent them. He thought the House, if it agreed to the Motion of the hon. and learned Member for Abingdon, would be placing itself altogether in a wrong position. He did think the hon. Member for Montrose had ample grounds for asking Mr. Speaker whether he had sufficient authority for saying that any hon. Member must withdraw from that House. He (Mr. Alderman Sidney) deliberately stated his conscientious belief that Baron de Rothschild had taken the oaths required by law, and that he was in every sense of the word a Member of that House. He therefore trusted the House would not stultify itself by proclaiming to the world and to the city of London in particular, that the man who had been twice returned by an immense majority, was unacceptable to the House, and that they required him to undergo again the farce of a third election.

Lord J. RUSSELL: I rise, Sir, merely for the purpose of asking the House to come to some decision respecting the order of its proceedings. I think it might be better to adjourn for a few hours and then resume this question. If the hon. and learned Member for the city of Oxford, or the right hon. Member for Northampton, think they are not in a fit state to decide this question without further delay, it will be for the House to consider whether it will grant that delay. I wish to know particularly what the hon. and learned Member for the city of Oxford represents Baron de Rothschild to state to be his wish; because the hon. Member for the city of London ought at all events to have no reason to complain that his case was not fully heard.

Mr. W. P. WOOD: I understand that several hon. Gentlemen wish to take part in this debate, and as I certainly desire to have the question discussed in the fullest and amplest manner, I therefore think it should be adjourned till the earliest opportunity.

Mr. DISRAELI: The general opinion being that the point is narrowed to a very limited issue, namely, whether an Act of Parliament shall be repealed or not, I think it advisable that if the debate is postponed, it should be postponed for a longer time than a few hours, to enable us to give a serious consideration to so grave a question. In that case, if the House would agree to an adjournment till to-morrow—["No, no!"]—it might be convenient for the House when it resumes at five or six o'clock, to proceed this evening with the Order on the paper of to-day for considering the Lords' Amendments to the Irish Franchise Bill. I know that this can only be done by the hon. Gentlemen having Motions on the paper consenting to give up their right to the precedence; but considering the time this question of privilege has taken, it would be better if we could come to an understanding that we shall proceed with the Lords' Amendments to the Irish Franchise Bill at six o'clock, and adjourn the present debate till to-morrow. I throw out this suggestion to the consideration of the noble Lord at the head of the Government.

Lord J. RUSSELL: After what the hon. and learned Member for the city of Oxford has said, I move that this debate be adjourned till Six o'clock.

Motion made, and Question proposed, "That the debate be now adjourned."

Mr. MOORE wished to ask whether it was the House or the noble Lord that had the power of superseding the notices on the paper?

Mr. W. P. WOOD: Sir, I must withdraw what I have stated. I had thought that several hon. Members near me wished to address the House; but they have since informed me that they do not wish to do so. If that be the case, then I apprehend that it is the wish of everybody that we should proceed to a division at once.

Mr. B. OSBORNE: Sir, before the House goes to a division, I wish to state very shortly the reasons why I do not wish to address the House on this question. I am one of those who take what the hon. and learned Gentleman the Attorney General calls the common-sense view of this question, and I intend not to allow my judgment to be misled by the quibbles of lawyers, or by "the uncertain" mode of proceeding (to call it by a mild name) of the Prime Minister. ["Oh, oh!"] I repeat it, because this question has from the beginning been prejudged. Sir, we have been dragged through a most disgraceful proceeding in this House. What was the course that the Government pursued yesterday? Yesterday they came down and moved, through the mouth of their Attorney General, that Baron de Rothschild be heard at the bar by his counsel. Well, but the noble Lord, after putting the hon. Gentleman to great expense in retaining counsel, and after having raised the expectations of the city of London, the noble Lord gets up and says, "Very true. I have consented that the hon. Member be heard by counsel, but my mind is made up, and whatever the counsel's arguments may be, I call upon the House and my supporters to decide against it." Therefore I feel that the question has been prejudged. We are told that this is a judicial question; but we know very well, by the course that Her Majesty's Government have taken, that it is not a judicial question, and that it is made a party question by them. They have been tampering with the question before the House. There can be no use in adjourning the debate. But if I have no hope from this House, I have faith in the citizens of London; and I tell the House that it is engaging in a conflict from which it can only come out with disappointment and disgrace.

Lord J. RUSSELL: I think, Sir, when the hon. and gallant Member for Middlesex again rises to say that he does not intend to speak, and then goes on to make a statement, he had better state the facts more correctly. My hon. and learned Friend the Attorney General said, following the case of Mr. O'Connell, that he should propose that Baron de Rothschild be heard at the bar by himself or by his counsel. Then the hon. and learned Member for the city of Oxford stated that he was authorised by Baron de Rothschild to declare to the House that he did not wish to be heard by counsel on that point. But, after that declaration had been made, there subsequently was a debate, in which the hon. and gallant Member for Middlesex stated very strongly his opinion on this question. That being the case, I thought myself entitled, as well as any other Member, to have and to state my opinion. I accordingly did so, declaring at the time that I thought this a judicial question, and that I certainly did not wish to influence the vote of any Member of the Cabinet, or any other Member of the House, upon it.

MR. STANFORD said, he hoped the debate would be adjourned, as he did not wish to record his vote till after careful deliberation. He had not had the advantage of other hon. Members who had heard this important and grave question discussed in other Sessions of Parliament. Therefore he wished for time, and hoped he would not be compelled to vote immediately, when there was such a conflict as to the legal view of the question.

Motion, by leave, withdrawn.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 221; Noes 117: Majority 104.

List of the AYES.

Acland, Sir T. D.
Adair, R. A. S.
Arbuthnott, hon. H.
Arkwright, G.
Arundel and Surrey, Earl of
Bagot, hon. W.
Baillie, H. J.
Baines, rt. hon. M. T.
Baldock, E. H.
Baldwin, C. B.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Barrington, Visct.
Bateson, T.
Bellew, R. M.
Beresford, W.
Berkeley, Adm.
Birch, Sir T. B.
Blackall, S. W.
Blackstone, W. S.
Blair, S.
Blakemore, R.
Boldero, H. G.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Brockman, E. D.
Brooke, Sir A. B.
Brown, H.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Buxton, Sir E. N.
Cabbell, B. B.
Carew, W. H. P.
Carter, J. B.
Cavendish, hon. C. C.
Chandos, Marq. of
Chatterton, Col.
Childers, J. W.
Cholmeley, Sir M.
Christy, S.
Clements, hon. C. S.
Clive, hon. R. H.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Davies, D. A. S.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
Duncuft, J.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Du Pre, C. G.
East, Sir J. B.
Egerton. W. T.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Farnham, E. B.
Fellowes, E.
Ferguson, Sir R. A.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Foley, J. H. H.
Forester, hon. G. C. W.
Fox, R. M.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Gladstone, rt. hon. W. E.
Goddard, A. L.
Gordon, Adm.
Gore, W. R. O.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halford, Sir H.
Hallyburton, Lord J. F.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Hamilton, Lord C.
Harris, hon. Capt.
Hatchell, J.
Hawes, B.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hervey, Lord A.
Hildyard, T. B. T.
Hill, Lord E.
Hill, Lord M.
Hobhouse, rt. hon. Sir J.
Hobhouse. T. B.
Hope, A.
Hornby, J.
Hotham, Lord
Houldsworth, T.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, Sir R.
Inglis, Sir R. H.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Legh, G. C.
Lennard, T. B.
Lewis, G. C.
Lewisham, Visct.
Lindsay, hon. Col.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Magan, W. H.
Manners, Lord J.
Martin, C. W.
Matheson, Col.
Maule, rt. hon. F.
Maunsell, T. P.
Melgund, Visct.
Meux, Sir H.
Moore, G. H.
Morgan, O.
Mostyn, hon. E. M. L.
Mullings, J. R.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Newry and Morne, Visc.
Nicholl, rt. hon. J.
Nugent, Sir P.
Paget, Lord A.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pelham, hon. D. A.
Pennant, hon. Col.
Pigot, Sir R.
Plowden, W. H. C.
Plumptre, J. P.
Powlett, Lord W.
Prime, R.
Pusey, P.
Raphael, A.
Reid, Col.
Richards, R.
Romilly, Col.
Romilly, Sir J.
Rufford, F.

Russell, Lord J.
Seymour, Lord
Shelburne, Earl of
Sibthorp, Col.
Smith, rt. hon. R. V.
Somerset, Capt.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Taylor, T. E.
Tenison, E. K.
Thicknesse, R. A.
Thornely, T.
Thornhill, G.
Tollemache, J.
Towneley, J.
Townley, R. G.
Trevor, hon. G. R.
Trollope, Sir J.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Vesey, hon. T.
Vyse, R. H. R. H.
Waddingson, D.
Waddington, H. S.
Walsh, Sir J. B.
Wellesley, Lord C.
Williams, T. P.
Willoughby, Sir H.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Wortley, rt. hon. J. S.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.
Thesiger, Sir F.
Cardwell, E.

List of the Noes.

Abdy, Sir T. N.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Barron, Sir H. W.
Bass, M. T.
Bernal, R.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Caulfeild, J. M.
Clay, J.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Crawford, W. S.
Dawson, hon. T. V.
Devereux, J. T.
D'Eyncourt, rt. hon. C.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Ellis, J.
Fagan, W.
Forster, M.
Fortescue, C.
Fox, W. J.
Grace, O. D. J.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Henry, A.
Heywood, J.
Heyworth, L.
Hodges, T. L.
Holland, R.
Hume, J.
Hutchins, E. J.
Hutt, W.
Jackson, W.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Mahon, The O'Gorman
Mangles, R. D.
Matheson, A.
Milnes, R. M.
Mitchell, T. A.
Morris, D.
Mowatt, F.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M.
O'Connell, M. J.
O'Connor F.
Ogle, S. C. H.
Osborne, R.
Pechell, Sir G. B.
Perfect, R.
Pilkington, J.
Pinney, W.
Price, Sir R.
Rawdon, Col.
Reynolds, J.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Sidney, Ald.
Somers, J. P.
Spearman, H. J.
Stanley, hon. W. O.
Stanton, W. H.
Stuart, Lord D.
Stuart, Lord J.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Tollemache, hon. F. J.
Trelawny, J. S.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, M.
Wyld, J.
Wyvill, M.

TELLERS.
Wood, W.
Smith, J. A.

Main Question again proposed.

Lord J. RUSSELL said, after what had taken place, that it was doubtful whether the omission of the words "on the true faith of a Christian," were sufficient to justify its being recorded that Baron de Rothschild had refused to take the oath. I think the House ought to have time to deliberate as to whether either the Acts of Parliament, or the precedents and usage of the House, make it necessary or incumbent on it to proceed immediately to issue a new writ. I wish that time should be allowed for the utmost deliberation; and I hope the hon. and learned Gentleman the Member for Abingdon will not press his Motion at the present time, but that he will consent to defer it to a future day to enable us to consider what course ought to be adopted.

Sir F. THESIGER: I am extremely anxious to leave this question entirely to the noble Lord. [*Cheers.*] Really, I sincerely mean what I say. On a question which concerns the privileges of the House, I think it is peculiarly for the noble Lord at the head of the Government to decide what course ought to be adopted. Of course, I have not so much knowledge of the rules and usages of the House as the noble Lord, and therefore I am anxious to receive his instructions on this subject, as to the proper course that ought to be adopted. I have no desire whatever to hurry this matter; but, on the contrary, inasmuch as there are precedents which require us, in my opinion, to act in a particular way in the position in which we are now placed, I am anxious that ample opportunity should be afforded for considering the proper course to be adopted. Therefore I adopt the suggestion of the noble Lord, and I do not see why that statement should have somewhat excited the other side of the House, because I was desirous to adopt the course most respectful and proper for the House. It may be desirable, under the circumstances, to proceed carefully, and to adjourn the House for the purpose of ascertaining what may be the effect of the different precedents on this subject. With respect to the question as to the refusal of Baron de Rothschild to take the oaths, I think, if it is required by the House that we should have more distinct information on the subject, that it may be entered on the journals, of course I am ready to accede to that; for as this case itself may be taken as a precedent, the journals ought to be full and satisfactory on the subject.

MR. HUME said, the hon. and learned Member for Abingdon seemed somewhat surprised at some little demonstrations of wonder at his conduct being exhibited on that side of the House. The hon. and learned Member now bowed, and said he was very anxious to leave it all to the noble Lord. Why did he not do that at first, instead of stepping forward to interfere with the course of the noble Lord? The hon. and learned Gentleman's speech was altogether inconsistent with his practice; he said one thing, and did quite another. For his (Mr. Hume's) part, he hoped the House would not accede to the hon. and learned Gentleman's wish; he trusted they would at once proceed to the division, and negative his Motion.

MR. V. SMITH said, this was a matter for the House of Commons itself, and not for any Minister of the Crown, to decide. But when the hon. and learned Gentleman the Member for Abingdon talked of proceeding with excessive caution, he (Mr. V. Smith) must say a man that more rashly rushed to a conclusion than the hon. and learned Gentleman he never knew. To the present Motion it was impossible for the House to assent; because the hon. and learned Gentleman had been in such a hurry that he made a mistake in his Motion, and stated what was untrue, namely, that Baron de Rothschild had refused to take the oaths. Baron de Rothschild came to the table, and took every essential part of the oath; and when he came to a certain form at the end, he said, "I omit these words." No notice was taken of this at the time, and no hon. Member got up and remonstrated against it. Baron de Rothschild then covered his head (which is the custom with members of the Jewish persuasion), he kissed the book, and said, "So help me God!" If that was not taking the oath, he (Mr. V. Smith) should like to know what was. If, therefore, the hon. and learned Gentleman had not been in such a hurry to proceed without caution, he should have put it that Baron de Rothschild took the oaths, but omitted certain words which the hon. and learned Gentleman considered to be necessary, and then have framed his resolution accordingly. But what the hon. and learned Gentleman now did was, to ask the House to assent to what was false in point of fact—that Baron de Rothschild had refused to take the oaths. If an adjournment was to take place, he hoped it would be for the instruction of hon. Members, and that his noble Friend, or some other influential Member, would propose that they should have a Committee as to the issuing of a new writ, because they had had a Committee on the oaths, but not on the voiding of the seat. That was a point on which they required information; but if they adjourned, he hoped they would not permit the hon. and learned Gentleman to withdraw his Motion, but would insist on negativing it at once, and then they would be able to proceed with due deliberation in the exercise of one of the most constitutional functions that any Member could ever be called upon to exercise.

SIR R. H. INGLIS thought the right hon. Member for Northampton had been permitted to use language of a totally unparliamentary character towards his hon. and learned Friend the Member for Abingdon. The right hon. Gentleman said, his hon. and learned Friend had made a Motion that was "false" in fact—for these were the words; but let those who thought these words conveyed no imputation, consider the same language for a moment as applied to themselves. However, he would say no more as to that; but he rose chiefly because the right hon. Gentleman stated that the hon. Member for the city of London had taken the oaths. Now, if he (Sir R. Inglis) limited himself to one point in the oath of abjuration, he should still feel justified in calling the right hon. Gentleman's attention to what was the fact. Baron de Rothschild might have taken "an" oath, but he had not taken "the" oath—which was the whole point at issue. Supposing he had omitted to take Clause 3 or Clause 4, would the right hon. Gentleman then have said that he had taken "the oath." He (Sir R. Inglis) did not mean to deny that Baron de Rothschild might have taken "an oath," which he called the oath of abjuration; but he denied that he had taken that oath which the law of the land and the usage of Parliament combine in requiring every Member of the House to take before he could sit and vote; and therefore he contended that his hon. and learned Friend's Motion was neither premature nor ill-advised. The question was, whether the hon. Member for the city of London had or had not taken the oaths, and it would be found that he had declined to do so, because he had specifically said, "I must omit the words 'on the faith of a Christian,' because they are not binding on my conscience." He might have applied the same assertion to any other clause.

Lord J. RUSSELL: I rise, Sir, to move that the debate be now adjourned to Twelve o'clock on Thursday next; and I beg to state, that the hon. and learned Attorney General will then propose such a resolution or resolutions as he and I shall think most conducive to the dignity and usages of the House.

Motion made, and Question proposed, "That the debate be now adjourned."

Mr. DISRAELI hoped, if the adjournment took place till Thursday, they would be enabled to proceed with the consideration of the Lords' Amendments on the Irish Franchise Bill at six o'clock that evening. He understood that hon. Members with notices of Motion had expressed the most amiable disposition to advance public business, and if the hon. Member for Stroud would withdraw his Motion, there would be no obstacle to proceeding with the Bill that evening.

Sir B. HALL did not object to the adjournment to Thursday, but he wished to remind the House that the resolution of the hon. and learned Member for Abingdon would have still to be decided on when the question next arose, and would have to be put from the chair before the noble Lord submitted his resolution. He, for one, should insist that the Motion of the hon. and learned Member for Abingdon should be affirmed or negatived by the House, and would not allow it to be withdrawn.

Mr. W. P. WOOD said, that as the object of the adjournment was to enable the noble Lord to submit some proposition to the House which could not be submitted as an amendment on the resolution of the hon. and learned Member for Abingdon, on which the sense of the House must be taken, he could not see why they should not dispose of that resolution now.

Mr. ROEBUCK wanted to know why they were going to adjourn at all? All the real facts were before them, and their sole remaining duty was to draw the conclusion. If they were to adjourn without any expression of opinion on the resolution, they would be as far from a conclusion as ever.

Mr. HUME appealed to the House if the noble Lord was not doing an act of grave injustice to the hon. Member for the city of London? The question stood now as recorded, that the House had admitted for the time a new writ ought to issue. Really the question ought to be disposed of one way or other. In justice to the hon. Member for London, the resolution ought to be forthwith negatived or withdrawn.

Mr. C. ANSTEY wished to ask the noble Lord, whether he proposed an adjournment on the ground that the resolutions he intended to frame would be of such a character that the hon. and learned Gentleman the Member for Abingdon and his friends, would allow their resolution to be negatived when they heard them next Thursday, in order to insure the success of the noble Lord's proposition?

Mr. AGLIONBY hoped the House would not hesitate to take a division on the Motion of the hon. and learned Member immediately. He could not consent that the hon. and learned Member should throw on Government all the responsibility and odium of further delay. The Government had quite enough odium and responsibility as it was, and they certainly ought to support hon. Members in opposing the resolution, and in rejecting it at once. Let them make the field clear for Thursday next, and then take their own course honestly and conscientiously.

Lord J. RUSSELL: Some hon. Members have asked me, and especially the hon. and learned Member for Sheffield, questions with respect to the course I have proposed to adopt. Now, I have stated, I think it desirable this resolution should be adjourned, and I am fully aware that, when it comes before us on Thursday next, the resolution I may have to propose cannot be brought forward as an amendment to the resolution of the hon. and learned Gentleman the Member for Abingdon; but if the adjourned debate comes on, I shall propose to negative that resolution; and then the hon. and learned Attorney General can propose such a resolution as he shall think fit. It appears to me that this is the better course to adopt. The hon. and learned Member for Cockermouth has advised me not to take the odium of postponing this resolution, and of not negativing it at once. I can only say that appears to me to be the course the House ought to take, and that it is better to adjourn the debate on this resolution, than proceed at once to a decision upon it. As to any quantity of odium being incurred thereby, I don't think I should have been at all wise in accepting the office of Minister of the Crown if I had not been ready to bear any amount of odium which the hon. and learned Gentleman or others might think fit to throw upon me. If I wish to avoid odium, I fear I can hardly act honestly and conscientiously.

MR. AGLIONBY explained. He had not referred to any odium attaching to the noble Lord, but to the hon. and learned Gentleman the Member for Abingdon's throwing odium upon the Government.

SIR F. THESIGER said, he was perfectly secure in leaving the question in the hands of the noble Lord; and for the purpose of removing any impediment which might be offered to the noble Lord by his resolution, he was content to withdraw it. If the House would not permit him to withdraw his resolution, he was ready to have it negatived, on the understanding that his object in doing so was to make way for the proposition of the Government.

Motion, by leave, withdrawn.

Main Question put, and negatived.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Order for the consideration of the Lords' Amendments read.

LORD J. RUSSELL said, he thought it better, before they came to any vote upon this question, or before they discussed minutely the 8*l.* or the 12*l.* qualification, that he should state generally the view which he took of the Amendments made by the House of Lords in the Bill then before them, and call their attention to the Bill as it stood now, and as it had been at the time when it was sent up from the Commons to the other House. Hon. Members were, no doubt, aware of the extreme case upon which the Bill now under consideration was founded, which case was this: that whereas in this country there were registered electors, from tables of which it appeared that the percentage of electors of the adult male population was 28, in Wales the percentage of the adult male population was 32, in Scotland 25, and in Great Britain generally 28 per cent of the male adult population had votes, while in Ireland the percentage was less than 2. That was the case upon which the Bill in part was founded; and he might here observe that a striking example had recently been exhibited in Ireland of the paucity of electors. In the county of Mayo, a large county, only 250 electors voted for the two candidates at the last election. It was to such a state of things that they proposed to apply a remedy, and it was chiefly as to the number of electors that they intended to apply that remedy. By the Bill, they had proposed not only that the right of voting should be derived from tenure but also from occupation; and upon this point he must say it appeared to him that hon. Gentlemen who discussed the question in a spirit adverse to the Bill, lost sight of the fact that the 40*s.* qualification was the prevalent qualification in England, and that the 50*l.* tenant-at-will qualification gave votes to a much smaller number of persons than did the freehold qualification. For the purpose of enabling the House to form a judgment on this point, he should trouble them with a brief statement of the number of freeholders and 50*l.* tenants in five of the English counties. In Bedfordshire there were 3,274 freeholders, and 853 50*l.* tenants, being in the proportion of one-fourth. In Herefordshire the freeholders were 5,280, the 50*l.* tenants 1,639, being one-third. In Lancashire the freeholders were 16,064, the 50*l.* tenants 3,467, being one-fifth. In Middlesex, the county in which they then were, the freeholders were 10,408, the 50*l.* tenants 1,307, being one-seventh; and in Sussex the freeholders were 3,769, the 50*l.* tenants were 1,059, being one-third; that was the state of the constituency in the month of July, 1847. It was clear, then, that the great bulk of the constituency of Great Britain was composed of the freeholders; but the House was to remember that in Ireland the 40*s.* freeholders had been abolished, and that species of franchise having been wholly extinguished, it was proposed by the Bill, as it stood, that the great bulk of the electors should be occupiers rated to the poor. Now, from the Bill at present on the table, it appeared that one of the most prominent alterations made in that measure by the Lords, was the substitution of a 15*l.* qualification, or rating to the poor, for an 8*l.* rating. The effect of that would be to give the power of voting to 180,328, instead of 330,224;

and if they took off one-fifth for double occupation, and for female occupants, they would find the numbers stand thus:—264,180 under the 8*l.* rating, and 144,263 under the 15*l.* rating. Taking, in the whole, the clauses which the Lords had struck out, they would find that the effect of their Lordships' Amendments would be to give Ireland a constituency of only 120,000, instead of 264,000 as was proposed by the Bill. Again, the Bill, as originally framed, would have constituted a body of electors forming 15 per cent of the male adult population; while, under the Amendments made by the Lords, the electors in Ireland would not form more than 8 per cent of the male adult population. The remedy for this, which he proposed, was to raise the qualification from 8*l.* to 12*l.*, or rather to lower it from 15*l.*, which the Lords made it, to 12*l.* The effect of that change would be to comprehend as many as 227,590 tenements, and deducting one-fifth for double occupation and women, leaving a clear result of 172,072, instead of 144,263, or 10 per cent of the adult male population, instead of 8. If, on the other hand, they were to establish a 10*l.* they would have 271,726, and, deducting one-fifth, as before, for double and for female occupation, the net quantity would be 217,381, or 12 per cent upon the whole male adult population, which was 1,683,381. Now, he did not propose to go back to the 8*l.* qualification, but, on the contrary, he was content that it should be a 12*l.* qualification or rating. He proposed to meet the Amendment made by the House of Lords, and as it were to divide the difference with them. There was another alteration made by the Lords that he could not call an amendment. It was an alteration which related to a matter of greater importance than that which he had now been considering. It appeared to him to involve the whole principle of the Bill, and to be of far greater importance than any arrangement of the qualification at 10*l.*, 12*l.*, or 15*l.* The Lords, instead of allowing that clause to stand, which would supply the means of registration from the rate-book, and so create a self-acting registry, had expunged it, and by the change which they had introduced rendered it necessary for every elector to see for himself that his name was placed upon the registry. The Bill, as originally framed, would have secured to any occupier rated to 8*l.* the right of voting without any interference on the part of his landlord or himself; the only question to be raised on the subject would be at the period of the election; and thus a great variety of complicated matters might be avoided, and a valuable principle carried into effect. He proposed, then, to the House to disagree to the Amendments which the Lords had introduced into that part of the Bill. It seemed to him, as he had already stated, that the 8*l.* or the 12*l.* qualification did not, by any means, so materially affect the principle of the measure as did that change by which the other House defeated the design of a self-acting registry. With respect to some other alterations, however, which the other House had made, he did not propose to insist upon the provisions of the Bill as originally passed. In the case of the first Amendment, he proposed that they should in that agree with the Lords; he meant the Amendment that had reference to the insertion of the words "owner" or "tenant." Then there was another question, that with regard to joint occupancy in counties; as to that there was a great deal of doubt: the clause of the Bill relating to that subject had been struck out; and though it was somewhat doubtful, he did not desire to disagree to the alteration which had been made. Further, there was the clause which constituted a 5*l.* interest in fee-tail, or for life, or possession, which would give the owner a vote. This would in some degree cause the franchise in Ireland to be conformable to what it was in England; and considering, in consequence of the late sales in Ireland, that property was now much subdivided, he thought this desirable. As to giving to occupiers in towns the right for voting for counties at large, there were some words in the original Bill which had been altered; but on that point he did not think it worth while to declare any difference of opinion. In the schedule also there where several amendments, consequent upon dates, to which he did not propose to take any exception, such as this, that the first registration should take place on the 1st of June, 1850. That date could, of course, no longer be maintained. It would now be necessary to alter the 1st of June to the 9th of September; the registry would then be complete on the 15th of March, 1851. It would thenceforward commence on the 1st of June, and the first of the registries so commencing would be brought down to the 31st of December, 1852. He should now conclude by moving that a 12*l.* rating be substituted for the Lords' Amendment of a 15*l.* rating.

Amendment, page 2, line 8, to leave out "eight," and insert "fifteen," read.

Amendment proposed to be made thereunto, by leaving out "fifteen," and inserting "twelve," instead thereof.

MR. MILNES GASKELL said, the Motion which had just been made by the noble Lord the First Minister of the Crown, was one that not only affected the constituency of Ireland, and the character of our Parliamentary constitution, but that also concerned rights and privileges inherent in another branch of the Legislature: it was, therefore, in his (Mr. Gaskell's) view, one of peculiar interest and importance. He deeply regretted that the noble Lord had not felt it to be consistent with his public duty to acquiesce in the Amendments which the House of Lords had made; he hoped, however, that before they consented to adopt a course which in all probability would be followed by the rejection of the Bill, they would at least calmly and carefully consider whether valid and sufficient grounds had been adduced to justify it. Now he believed it was not disputed by any Gentleman who heard him, that the practical effect of this Bill, as sent back to them by the other House of Parliament, would be a very large increase in the constituency of Ireland; and in his (Mr. Gaskell's) opinion, it would be time enough to discuss the question of a still further extension of the franchise, when they had tested the operation of this measure, and had some means of judging whether the apprehensions of those who viewed even the amended Bill with feelings of distrust and of alarm, were likely to be realised. It was easy to say that the basis of representation should be wide and popular; that an undue limitation of the constituent body was not consonant to the spirit of free institutions, and that a representative system resting upon such a basis was insecure and dangerous. He (Mr. Gaskell) would take leave to say that there was another form of government still less secure, against which it was equally the duty of that House to guard, and of which they were far more likely to experience the effects, namely, a mixed form of government like their own, with a larger infusion of democracy in its composition than was compatible with the maintenance of the Monarchy. The real question before the House was, what proportion of the ratepayers in Ireland were qualified for the exercise of the franchise, and sufficiently independent of external influence to be fit recipients of such a privilege. He could not subscribe to the opinion that because a constituency was small, it ought therefore to be increased; or that it was the duty of that House to pass measures for the extension of the franchise without reference to the fitness of the parties who were to receive it. Undoubtedly to those who were of opinion that the elective franchise was a right inherent in the individual, and not a trust conferred for the public benefit, to those whose object was to make that House a direct index to the national will, such an argument might reasonably be addressed; but to those who entertained a wholly different opinion, who held that they were not sent to Parliament to minister to the popular will, but to consult for the public good, and who agreed with Mr. Windham, that of the three different majorities, those of reason, of numbers, and of force, the two latter were the last in which any wise man would seek to vest the government of an empire, it could not be a matter of indifference what sort of constituency it was proposed to form. It was not because he anticipated that under a more democratic system the choice of the electoral body would fall on men who held political opinions at variance with his own—it was for no such narrow and unworthy reason that he dissented from the proposition of the noble Lord (Lord J. Russell). He (Mr. Gaskell) cared not what might be the opinions of those who were returned to that House by the constituencies of Ireland, provided that those opinions were within the pale of the mixed form of government under which they lived; but he believed that a large extension of the franchise, under the present circumstances of that country, would throw power into the hands of men who sought the disruption of social ties, the spoliation of property, and the dismemberment of the empire; and he, for one, felt that it was the bounden duty of that House to resist to the uttermost any legislative measure tending to such results. He begged Gentlemen to recollect that this Bill, as amended by the House of Lords, would increase in no inconsiderable degree the constituency of Ireland, and he saw no sufficient ground to justify them in rejecting it, because the other House of Parliament had refused its assent to more extensive changes. Still less could he understand the ground on which the noble Lord was of opinion that the second alteration which the House of Lords had made, was so important in point of principle, as to be necessarily fatal to the Bill. If the voter was desirous of the franchise, he (Mr. Gaskell) saw no great hardship in requiring that he should say so; but if he was not so desirous, then he did see the hardship of compelling him to register, and exposing him to those unavoidable and pernicious influences which he might be anxious to avoid. He owned he saw no justice in forcing upon him the acceptance of a privilege of which he was unwilling to assume the responsibility, and unable to perform the duties. For these reasons he must refuse his assent to the proposition of the noble Lord. The regret which he felt at differing from him, though increased by the temper and moderation with which the noble Lord had spoken, was diminished by the reflection that he (Mr. Gaskell) was doing all that lay in his power to support a co-ordinate branch of the Legislature in the unfettered exercise of its judgment. Gentlemen opposite might depend upon it, they were greatly mistaken if they imagined that the people of this country were disposed to view the House of Peers as less entitled to exercise its constitutional functions than that House. His firm belief was that the independence of the other House of Parliament was as deeply cherished by the great body of the people as any institution or any liberty which they enjoyed. His belief was that those who sought to overrule or to overawe the decisions to which it came, represented the wishes and opinions of a very small section of the people. He believed that the Amendments in this Bill to which the noble Lord (Lord J. Russell) had called upon them to disagree, were justified by the circumstances of Ireland, and demanded by considerations of public policy: and he trusted that the majority of that House would rather be guided, in the vote to which they were about to come, by that "early and provident fear" which Mr. Burke said was the mother of safety, than act upon the bolder, but, as he (Mr. Gaskell) thought, the less judicious counsel of those who called upon them to reject this Bill.

Mr. FRENCH could not concur in thinking with the hon. Member for Wenlock, who had just spoken, that the present Bill, either in its tendencies or results, would extend the democratic principle. He feared its consequences would be to render less expressive still all manifestation of popular opinion in Ireland. Many of them in Ireland maintained that that was a disfranchising Bill. It was not very well to take 94,000 voters off the number of those who were originally proposed to have the franchise. It also dealt unjustly with existing rights. In all other Bills of a similar character, the rights of existing voters were respected. He thought the exemption of the 50*l.* and 20*l.* vote showed more strongly the injustice done to the smaller class of voters, such as the 10*l.* one. He would ask by what right they proposed to deprive the electors of Ireland of the rights to which they had been hitherto entitled? The only precedent for the measure was the abolition of the 40*s.* freeholders, who had returned Mr. O'Connell to Parliament, and who had been disfranchised on account of the victory they had achieved on that occasion. Property had fallen so low in Ireland, that a 15*l.* rating would leave but a small number of voters. He would ask the House to consider what was the state of the constituency in the counties of the west and south of Ireland. He would much prefer to have the franchise as it was in England, to accepting the present Bill, and therefore he could not give his support to the noble Lord's proposition.

Sir W. SOMERVILLE thought it rather hard in his hon. Friend to allude to topics which had long since been discussed in the House, and upon which the House had long since come to a decision. He maintained that they did not properly arise upon the consideration of their Lordships' Amendments to this Bill. He felt disappointed that his hon. Friend opposite, the hon. Member for Wenlock, had not met the proposition of the noble Lord in a different tone than that which he had exhibited on the present occasion. He did not think the House was yet aware of the state of things which they had to remedy in Ireland. His noble Friend, in referring to a recent election at Mayo, deduced that as an example of the reduced state of the Irish constituency; but this Bill had been framed upon the calculations of the constituency, exhibited in the returns which were in the hands of hon. Members. Referring to this return, let him call their attention to this very county of Mayo. The county of Mayo, by the earliest returns, was represented as possessing a constituency of 591; and we knew that those 591 really and truly amounted to no more than 230; and therefore the calculations made with reference to those returns were not to be depended upon; and then his hon. Friend the Member for Roscommon said, See what returns you are making of these 10*l.* constituents. There was not one of these 10*l.* constituents who would exist he believed one hour longer than his lease; and it was only a question of time whether there should be 10*l.* freeholders or not. Put the franchise at 3*l.* or 4*l.* capital, and with a tenure, and they would not be able to create a constituency. The hon. Member for Wenlock had talked a great deal of the privileges of the House of Lords. He hoped that he would not forget that one of the duties of this House was to uphold the privileges of the other House. Compare the constituency of Ireland with the constituency of Scotland, and England and Wales, and he thought the most that could be said of the constituency was that they proposed a reasonable constituency, and that they had made great advances to meet the objections of the other House of Parliament. He hoped it would not be forgotten that the 15*l.* franchise, as proposed by the House of Lords, would create a great distinction between the numbers enjoying the franchise in the other parts of the kingdom, and he trusted that the proposition of his noble Friend would not be lost sight of, and that the House would consent to substitute 12*l.* for 15*l.*

VISCOUNT JOCELYN begged to repeat what he had stated when the Bill was formerly under discussion, that he regarded the adoption of the poor-rate as the basis of the franchise as exceedingly objectionable. He thought that that basis would operate most injuriously on the working of the poor-law itself, and would furnish no criterion by which to judge of the qualifications of the ratepayer. If the different parts of Ireland were looked at, it would be found that a man rated at 8*l.* in one union, was a very different person from a man rated at 8*l.* in another union. It was known, however, that a new and much more accurate valuation was in progress, and he wished to know if that valuation, when completed, would become available for the purposes of the franchise. He should prefer a 12*l.* franchise, provided the new valuation was adopted; and should he receive an assurance to that effect, he should support the proposition of the noble Lord.

SIR W. SOMERVILLE said, that by the law as it now stood, when the valuation was completed, the valuation must necessarily be formed upon the poor-law valuation. He quite admitted the importance of this question, and it should receive the consideration of the Government. According to this Bill, the franchise would be formed on the poor-law valuation.

VISCOUNT JOCELYN asked if there would be any objection to act upon the new valuation in districts where it was completed?

SIR W. SOMERVILLE said, there would be no objection.

MR. MOORE said, that the unusual attendance of hon. Gentlemen on the benches opposite, and indeed in all parts of the House, announced very significantly that this was no longer a mere Irish question. Ireland was indeed the battlefield of party warfare, the Irish franchise was the first picket to be driven in; but as for the rights of the Irish people in the matter—the justice or injustice of this measure to Irish constituencies—he believed that such considerations occupied about as small a space in the minds of either party, as the rights of the aboriginal inhabitants of America in the settlement of the Oregon territory. First, with regard to this side of the House, the noble Lord at the head of Her Majesty's Government had, during the present Session, been impressed, as it seemed, with a very deep and a very indignant sense of the disgraceful state of the Irish franchise. But the state of the Irish franchise was not a thing of to-day, or of yesterday, nor of this Session or the last. He might be allowed to remind the House that the county which he had the honour to represent, containing upwards of 300,000 inhabitants, had been three times contested within the last half-a-dozen years, and that the numbers polled on these occasions varied from 800 to 900 men. At any time during these six years, up to the present Session, the noble Lord might have passed, almost without opposition, any reasonable measure for the reform of the Irish franchise. Not a soul on either side of the House cared a farthing whether Mayo contained 1,000 or 10,000 voters. There was no party object to be served by the change, and the consequence was, that this Bill had hung up for daws to pick at for successive Sessions. And how was it, and why was it, then, that the Whigs, who had been playing at Tories for the last few years, were now in arms for reform? How was it that Saul was again among the prophets, and the Conservative Minister of the Whigs in power was a Liberal even out of opposition? Really, when he saw this unwonted stir, this almost spirited behaviour in the Whig camp, "he could not but surmise," with Sir Christopher in the *Critic*, that "the State some danger apprehended;" and it was their own danger that bestirred them in the cause of Ireland; it was because the trumpet of protection had sounded across the Irish Channel, that the Irish franchise was to be recruited to meet the onset; it was because the cruiser was in sight that the slaves were to be armed in defence of their masters. As long as Irish counties had returned Whig Members or Whig stipendiaries, the more limited the constituencies the better. Perhaps a more extended franchise might have produced Members too dangerously liberal. But times had now changed, and the good old cause required a different franchise to maintain its interests. If he were unjust in the suspicions which he entertained—[Lord J. RUSSELL: Hear, hear!] Well, he would join issue with the noble Lord on the cheer or jeer with which he had just greeted him. Let him pledge himself to the Liberal Representatives of Ireland, that he would, at the commencement of the ensuing Session, introduce a new Bill for the reform of the Irish franchise, at least as liberal as that which had been mutilated by the Lords—that he would exert himself zealously and *bonâ fide* to pass that Bill into a law, and he might command his vote and voice in favour not only of his present Motion, but of his general policy; but if he hesitated upon this point—if he showed a tendency to "settle" this question either by submission or by compromise, he would lend no hand to fight his paltry party battle—he would leave him to settle the matter with the other side of the House as he best might, and should feel confirmed in the opinion which he had long entertained, that until Ireland had broken at least two Ministries—and she had the power to break this and that which might succeed it—she had no hope of respect or justice. Now, with regard to hon. Gentlemen opposite, they had again most wantonly renewed the old feud between them and the Irish people, which time and circumstances had begun to allay. It was again to be war between them as of yore—war "between your seed and our seed—you may smite our head, but we will bruise your heel." And he felt convinced that a more impolitic as well as a more unscrupulous course never had been pursued by any party in its aspirations for power. The hon. Gentleman the Member for Buckinghamshire, in the course of previous discussion upon this Bill, had warned hon. Gentlemen who were the most clamorous for a large extension of the franchise, that the results of that extension might be very different from those which those hon. Gentlemen anticipated or desired; but if there were any truth—and he thought there was great truth—in this remark, the inverse of the proposition must have been true also. If a more extended franchise would not produce the results which hon. Members behind him anticipated and desired, its results would not be those which the hon. Gentleman's friends feared and deprecated; and he would submit to them, therefore, whether they were not committing a blunder as well as a crime in the war they were now waging against the rights of their fellow subjects who, when they obtained the boon they seek—as most assuredly they would eventually obtain it—would carry with them, in its exercise, angry recollections of that party by whom their rights had been so long resisted. He agreed with the hon. Gentleman the Member for Buckinghamshire in his anticipations as to the probable results of a large extension of the franchise; and he thought he should be able to show to the House, that while it would not diminish the legitimate influence of property, it would greatly diminish the illegitimate influence of the mob. He spoke with some confidence, and on information derived from some experience on this subject, having within the last three years stood two contested elections for an Irish county, in one of them, he believed, almost the fiercest that had ever taken place even in that country, and in which all the prejudices and all the passions of the population had been brought to bear against him; and he could confidently state that there was nothing that subjected the event of an election for an Irish county to the influence of the mob so much as the smallness of the constituencies. And the reason of this was, that a large constituency would be strong enough in numbers to exercise its rights and maintain its independence against mob law: a small one was, in Ireland at least, almost entirely subjected to its tyrannical control. Let the House imagine the helpless position of half-a-dozen 10*l.* freeholders in a large and remote village; they might conduct them to the hustings under an escort of dragoons—they might convey them to their dwellings under the same protection; but their power then ceased, and in some cases they might as well leave them in the midst of a pack of wolves, as among the infuriated population by which they were surrounded. He might mention, as a horrible instance of this, that after the election to which he had already referred, two freeholders who had ventured to vote in his favour, and lived in a remote mountain village, had been assaulted at night by a gang of savages, who surrounded and broke open their houses, and absolutely cut off a portion of their ears, as a punishment for having voted in opposition to the wishes of the surrounding populace. Now, he knew the locality where this occurred well; and it was his firm impression that if the whole of the inhabitants had had votes, a considerable majority would have voted the same way as those freeholders had voted, and in direct opposition to that cry which, as a mob they had contributed to swell. At all events, if the freeholders had been numerous enough to defend their own rights and their own persons against a system of terror so hideous and revolting, they would have exercised their franchise free from a control the most objectionable that it was possible to contemplate; and he firmly believed that with rights conferred, and responsibility established, a higher moral sense would be created within them, and that the masses of the population, thus raised and enfranchised, might yet take their stand in support of the laws which they contributed to form, and the institutions under which it was their privilege to live. An hon. Gentleman, by way of illustration of the evils that were likely to arise if more than a certain number of his countrymen were invested with the rights of freemen, had alluded to the degradation and ignominy of the old 40*s.* freeholders; and had alleged this fact as a reason for his opposition to the enfranchisement of the same classes. But he greatly suspected that it was not because the hon. Gentleman anticipated a return to that state of serfdom, but because he feared a reverse of the picture, that he regarded the present measure with such alarm and distrust; and he was inclined to think that the history of the 40*s.* freeholders if read aright, would lead to the conviction, that the conduct of the hon. Gentleman, and the conduct of his party, was founded now and then on a deliberate determination to regulate the franchise in Ireland, not according to the exigencies of the country, but according to their own interests and their own ambition. As long as the 40*s.* freeholder was driven like a beast to market, exposed for sale, not in person, but in mind—not in body, but in soul—a perjured and dishonoured slave, at the will of his venal master—as long as men's consciences were matter of property and traffic, and an Irish landlord registered his freeholders as a Russian noble numbers his serfs, we heard no virtuous murmurs from the Tory benches at the perjury of the 40*s.* freeholders—no indignant outcries against the infamy of the prostituted franchise. As long as the 40*s.* freeholder was a recreant and a slave without honour, courage, or conscience, he was left in the undisturbed possession of his disgraced prerogative. But the time at last arrived when a free soul stirred within the breast of the hereditary bondsman, and the degraded peasant at last awoke to a consciousness of the trust and the power which the Legislature had confided to him—in an hour fatal to his long-neglected franchise, but immortal in the history of his country. At the memorable election for the county of Clare, the Irish freeholder, for the first time, dared to act like a free man—for the first time he proved himself worthy of the confidence of the constitution. From that hour his fate was sealed. Few will now deny that that election was a great and constitutional effort, worthy in its aim and object, stainless in its execution, and most important to the cause of freedom in its wonderful results. Few will now deny that the 40*s.* freeholder on that occasion voted more honestly and independently—more according to the dictates of his conscience and the spirit of his constitutional rights, than he had ever done before; yet it was by so doing that he lost his franchise—he was stripped of his rights because he had shown that he was worthy to exercise them—he was deprived of his franchise because he had proved that he was worthy to be free. Catholic emancipation followed; but by way of a guard against its possible results, they who wrung their rights from your reluctant justice were deprived of the privileges they had previously possessed. The people of Ireland would no longer allow their own arms to be made the instruments of their own oppression; there was nothing left for their enemies but to disarm the people. Well, they had disfranchised the 40*s.* freeholders, and what had been the result? Why, that the power they would have paralysed, and the progress they would have stayed, was only reinforced and invigorated by the operation. O'Connell offered but a faint opposition to the disfranchisement of the 40*s.* freeholders, and had never afterwards made an effort worth mentioning to restore them. His astute and sagacious mind had already weighed and measured, and sounded to its depths, the results of their paltry vengeance: by endeavouring to disarm his forces, they had only simplified his mode of operation; and the 10*l.* franchise, as more easily worked, and brought into the field at less expense, became a far more formidable weapon in his hands than that of which he had been deprived. And yet, with the history of their own blunders and their own defeats before their eyes—untaught by experience, unchastised by disappointment, hon. Gentlemen opposite still persisted in the same blind course of impolicy and folly. But the course they were pursuing had consequences more immediate, and bearing more directly upon the interests of party, than any such general possibilities as those he had just indicated; and he took the liberty of warning them in no hostile spirit against the impolicy of the course they were pursuing. If those hon. Gentlemen had any political station whatever, if they had any common political object, that station and that object were founded upon a question in which every peasant that they now sought to disfranchise, had an interest and a sympathy as vital and as sincere as themselves; and did hon. Gentlemen think that the course they were now pursuing was likely to conciliate the Irish farmers, or swell the ranks of their independent allies? The hon. Member for North Warwickshire, in one of the discussions which had taken place on the preceding progress of this Bill, had alluded to a certain strange defection which, suddenly and at a particular moment, had taken place in the ranks of the Irish Roman Catholic clergy, on the subject of agricultural protection, and had professed himself unable to account for the phenomenon. But if the hon. Gentleman had been unable to explain, he had, at all events, done his utmost to justify, the course they took, and to prove to the world the shrewdness and sagacity of that body. Measures, not men, might be sound abstract doctrine; but people were very apt to judge of measures put forward by men of boasted consistency, with some relation to those principles to which they had remained the most invariably consistent; and it may have just struck the Roman Catholic clergy and the people of Ireland generally that while on the one hand free trade was still upon its trial, and a return to a system of protection exceedingly problematical—there was nothing on the other hand either questionable or uncertain in the political principles of those whom the successful agitation of protective measures would place in power. And they were not without grounds for formidable misgivings upon this subject. Hon. Gentlemen might, perhaps, require to be reminded of two memorials which were in circulation in Ireland at the same moment, and at the time to which the hon. Member for Warwickshire had referred: one convening a meeting, or preparatory to a meeting, at the Rotunda in Dublin, to consider the question of protection to Irish agriculture; and another complimenting a noble Lord who had recently been dismissed the magistracy, on his conduct in reference to a circumstance which he had the supreme authority of the Court of Queen's Bench in Ireland for declaring was one of the most outrageous transactions which had ever disgraced the country. Now, it might have been an accidental coincidence, but not on that account the less remarkable, that these two documents had been signed, for the greater part, by the same names. He said, for the greater part: there had been, no doubt, some of Lord Roden's admirers who refused to sign Lord Glengall's manifesto, because it contained some dim and misty allusion to civil and religious liberty; there had been some also of Lord Glengall's subscribers who had found the testimonial to Lord Roden rather too strong for their stomachs; but, for the greater part, the coincidence between the two lists of names was very striking; and the subsequent meeting at the Rotunda, composed exclusively of Lord Glengall's friends placed all doubts upon the subject at rest, by greeting the hero of Dolly's Brae by those rounds of applause; and saluting another noble Lord, on his rising to propose the question of protection with continual vollies of Kentish fire. It was not, therefore, wonderful that the people of Ireland, when they saw the arms of protection and intolerance quartered on the same escutcheon, should turn away from the hideous association with alarm, with anger, and disgust; and he would venture to tell the hon. Gentlemen of the Opposition, that they had done nothing to dissipate, but on the contrary everything to confirm, the impression that their imbecile partisans on the other side of the Channel had created; and that whatever might be the views of the people of Ireland with regard to that question which formed the most salient point of their policy, there was one condition upon which that people would not accept any boon that it was in the power of the empire to bestow. They had been tried with famine and scourged by pestilence for successive years; but with more horror than to pestilence or famine did they look back to that class legislation and that religious domination from which they had only half escaped, and which they believed it was the wish, if not the intention, of hon. Gentlemen opposite to restore. And he felt quite sure, that as long as their party, and the objects of their party, were associated in the minds of the majority of Irishmen, with all that majority held as most disastrous and abhorred; so long would they hesitate—no matter what might be their views of financial advantage—so long would they refuse to place in power, and arm with the means of mischief, a body of men who seemed bent every day on proving that they had forgotten nothing and learnt nothing, and that they still continued, what they had ever been, the hereditary and incorrigible foes of the civil as well as the religious liberties of the Irish people.

COLONEL DUNNE intended to vote for the 12*l.* proposal of the noble Lord. He found from a return that, in 1837, the number of electors was 124,284. If the franchise was to be made 15*l.*, the addition would not exceed 20,000; if made 12*l.*, the increase would be 50,000, which he yet thought would leave the constituency much too small. With respect to the joint occupancy, he felt assured that the House would have no difficulty in agreeing to the Lords' Amendment upon that point. On the subject of the self-acting registration system he should observe that, in his opinion, that portion of the Bill was imperfectly framed, as it would leave the door open to fraudulent claims; and he did not think that the Amendment in the Lords would remedy that defect. He wished to take that opportunity of correcting an erroneous statement which had fallen from his hon. Friend the Member for Mayo. His hon. Friend had said that a liberal nobleman had been received with rounds of the "Kentish fire" at a protectionist meeting in Dublin. [MR. MOORE: Yes, Lord Clements.] Now he (Colonel Dunne) had been present at that meeting, and he could undertake to say that that was a very inaccurate statement. It was true that a few young men had received the noble Lord in question with some marks of disapprobation; but they had been immediately checked by the chairman, and no indication of a political bias had been given by the great body of the persons who had assisted at that meeting. [*Cries for a division.*]

COLONEL RAWDON said, that the cry for the division came from the benches, which were well filled, on the other side of the House, and perhaps was stimulated by the fact that those on his (the Ministerial) side were not so full as they ought to be. This Bill had been sent up to the other House without any pressure from without, and with a considerable majority in favour of an 8*l.* franchise; but it had been returned to them with a provision which amounted to scarcely any franchise at all. Though he was not himself in favour of some portions of the measure as sent up to the other House, yet he had been anxious that all Irish Members in that House (the House of Commons) should unite to support the Government in the proposal they had made in this measure. It was, however, in vain that they came there to endeavour to carry any measure for the benefit of Ireland, seeing the spirit that prevailed in another place. Under the circumstances of the case, he should give his support to the present proposal of Her Majesty's Government.

MR. CLEMENTS said, that every Member who had spoken against the proposal of the noble Lord to alter the 15*l.* to 12*l.* was an English Member, whilst every Irish Member that had addressed the House was, under the circumstances of the case, in favour of a 12*l.* franchise as a middle term between the amount in the original Bill, and the alteration that had been made elsewhere. He was himself anxious that the present proposal of 12*l.* should be adopted; and, with reference to the objection of the noble Lord the Member for King's Lynn to the 12*l.* franchise, namely, the objection arising out of the present state of the poor-law valuation, he (Mr. Clements) might observe that he had some experience on that subject, and knew that the valuations under the poor-law, as far as they had gone in Ireland, were more correct than those in England generally were.

Mr. ANSTEY said, although he should certainly give his vote in favour of the Motion of the noble Lord, yet it would be with considerable reluctance that he did so. And if he agreed to the proposed compromise, it was with the determination not to regard it as a final settlement of the question of the Irish franchise, but with a reservation of a right to avail himself of the earliest opportunity, in conjunction with his friends, to propose an enlargement of the franchise, not only of the people of Ireland, but of the people of England and of Scotland also. He considered the conduct of Her Majesty's Government had been weak and truckling on this occasion; more especially so in another place. The second clause of the Bill, relating to joint occupiers in counties, was given up by the Marquess of Lansdowne before any objection whatever was made to it.

Mr. S. CRAWFORD said, that when he considered the present state of the Irish franchise, and the utter helplessness of the Irish people, he felt himself compelled to take the best measure that he could get; but in concurring in the present proposition of the Government, he wished it to be understood that he did not consider it as a permanent arrangement of the franchise in Ireland.

Mr. SCULLY felt, that as he had voted for the 8*l*. franchise, and as it was now proposed by the Government to raise the franchise to 12*l*., he ought not to vote at all upon the question, but leave it entirely in the hands of the Government. There were, however, many peculiar circumstances connected with the condition of the people of Ireland, which made it a duty on his part to secure to them the greatest possible facility for possessing the franchise in any shape; it appeared, therefore, to be his duty, since he could not obtain an 8*l*. franchise, to support a 12*l*. in preference to a 15*l*. franchise. He wished it, however, to be understood that he did not look upon this as a compromise, but merely as an instalment of that justice which was due to the Irish people. With regard to what was called the self-acting clause, he considered it to be so important, that without it he thought the franchise would be deprived of much of its force and efficacy.

Mr. BRIGHT said: I am anxious to make an observation or two on this Bill before we decide on accepting the proposition of the noble Lord. I do it with reference not only to the question itself, but to other and more important questions, on which the course we are now taking may have some bearing. This Bill, as it appears to me, is the measure of the Session. We are about to separate without any measure of public importance being passed besides this measure; and it must be admitted that the Government have a very sorry account to render to the country for the time which has been taken up by Parliament during the past six months. No man, I presume, is of opinion that the Government grappled with the question of the Irish representation before it was absolutely necessary to do so. They found the representation of Ireland virtually extinguished. They found eight millions of people living under a constitution of which nobody in this House or in the country boasts so much as the noble Lord at the head of the Government, and yet having literally no representation whatever. We have had an illustration of the condition of affairs in Ireland within the last week. A gentleman, said to have marvellous talents, and whose principles are on the other side of the House acknowledged to be very sound, went down to a great county in the west of Ireland—a county which at the time of the last census had a population not far, if at all, short of 400,000 persons. After all the landlords of every party had clubbed together to help him, he managed to poll ninety-two votes, while the gentleman who was opposed to him on the popular side, having all the priests in his favour—which is not a small thing, I take it, at an election for an Irish county—and we have to thank you [*addressing the Opposition*] for that, if there be anything wrong in it—this gentleman, I say, who was cheered and shouted for by almost the whole population of the county, polled about 140 votes. If we heard of any representation of that kind in Austria or in Prussia, or in any country in the world but this, is there a man in England who would not say that it was a farce and a sham, and that the people by whom it was possessed were living under a government which was an absolute despotism, or something even worse? Now, the noble Lord, finding Ireland in this state, came down to the House with a proposition at the commencement of the Session; not, indeed, then for the first time, for there have been propositions of the same kind for three or four Sessions. I thought when the noble Lord had got on this side of the table, that he was about to do something handsome in fulfilment of the promises which he had made on the other side. He brought in a measure by which 264,000 votes were nominally to be given to the counties of Ireland; 264,000 was, however, very much more than the real number. That would be the number if every occupier were placed on the register; but there are the cases of widows, and many other cases in which the parties occupying could not appear on the register. The number would probably be brought down, speaking within the mark, more than 10, perhaps 20 per cent. [Lord J. Russell: That was not the fact.] Perhaps the noble Lord may have made the necessary allowances; but be this as it may, a difference of ten or twenty thousand is of no great importance to my argument. The noble Lord's proposition was, that 264,000 persons should be enfranchised in the counties of Ireland. [Mr. Torrens M'Cullagh: That was for the whole of Ireland.] I am sorry that I should be supposed to have exaggerated the good which would have been effected by the Bill. Take it which way you will, I think the argument is the same. The noble Lord defended the proposal of an 8*l.* franchise in this House in a manner which to me was perfectly satisfactory. I objected, as did many other hon. Members, to the having an 8*l.* franchise for boroughs. But what was said on these benches? I am not apt to be deluded by statements made from the bench below; but it was said that an 8*l.* franchise for the counties would be a capital thing; and that, although the proposal of such a franchise for the boroughs might be a mistake, it would be avoided if the thing had to be done over again; yet we must not grumble, because we did not get everything in one Session; and an expectation was held out that by and by, when the suffrage came to be extended in England, there would be no difficulty in reducing the 8*l.* borough franchise to 5*l.*, should it then be thought desirable to do so. Well, now, with all those statements, we felt somewhat satisfied that the noble Lord at least meant to stand by and to carry through Parliament what he had proposed. How, then, has he acted? The noble Lord, be it remembered, is at the head of the Government, and it would not do for him to say that he has not voted as the Marquess of Lansdowne has in the other House. He must take upon himself the responsibility of what has been done by the Cabinet Ministers in the House of Lords. Although I have not the exact words before me, I believe I shall be supported by the recollection of hon. Members, when I say that the conduct of the Government in the other House has not only been directly contrary to its conduct in this House, but affords the greatest reason for believing that when the noble Lord and his Colleagues proposed the 8*l.* franchise in this House, it was not intended that that franchise should be passed, but that it should be raised to some other amount. It may be that I am more suspicious than many; but I cannot but believe that if the noble Lord had intended that this franchise should be established, and if the great influence which the Government possesses in both Houses had been exercised as it is on some occasions, there might have been secured to the people of Ireland the franchise which they expected when the Bill left this House. But now what is it that the House of Lords have done? They have cut down the 264,000 electors to something like 140,000, imitating the Government of Paris in the act of reducing by one-half the franchise of the people of France. The noble Lord will not accept a 15*l.* franchise, but he proposes a half-way house between 8*l.* and 15*l.*, giving to the other House an advantage in the division; he proposes 12*l.*, which will leave, if I understand him rightly, about 170,000 electors. The noble Lord himself proposes to sweep away one-third of the numbers he advocated a few months ago. Now, I want to call the attention of the House to the divisions by which this 8*l.* franchise was passed. In the Committee of this House there were 213 votes for the 8*l.* franchise, and 144 for the 15*l.* franchise; the majority 69 in favour of the first. On the third reading there were 254 votes for the Bill, and 186 against it; the majority being 68. Now, what was the majority in the other House? There were 50 votes against and 72 for the 15*l.* franchise; so that it was carried there by a majority of 22 votes. If you add together the majorities of both Houses of Parliament, and if you also add the minorities in both, you will find that there was, on the whole, a majority of 47 votes in favour of the lower franchise. I know very well that that is a kind of arithmetic which is not generally practised in the House of Commons. I am not asking the House, therefore, to adopt it; I am only stating to them a fact; and I may state further, that a Bill which passed this House by a majority of 254 votes against 186, has been neutralised and almost destroyed in the other House by a vote of 72 against 50. I have no doubt that there are persons who believe that one vote in the other House of Parliament is worth three votes in this House; but on a question of the suffrage and of popular rights, I am disposed to think that if the constitution, taking the word in the sense in which it is used by the noble Lord, is to give any particular weight to either House of Parliament, this House ought to be considered of more importance than the House of Lords. Bear in mind that the Crown was in favour of the 8*l.* franchise, and that another branch of the Legislature signified its assent by large and constantly sustained majorities. Now, if both the Crown and the House of Commons be in favour of this comparatively wide extension of the suffrage, the noble Lord ought to be cautious how he allows a small majority of a small House sitting in another place to over-ride the opinion of the Crown, and the Ministry, and the House of Commons, with regard to this important question. Well, now, there is another way of looking at the course which the House of Lords have taken on this question. That House is against all franchises. The question with them is not whether or not a particular franchise is the best for the country; they would raise the franchise to even a higher rate than 15*l.* if they dared. It is notorious that from the time when the Reform Bill was first introduced in the House of Commons, the limits of the franchise in the three kingdoms have been too widely extended for the tastes and the objects of the House of Lords. The noble Lord takes their opinion as to a particular franchise under this Bill, although he knows perfectly well that they are of opinion that the 15*l.* franchise is too high. I say that he ought to have consulted the opinion of the House of Commons and his own opinion, as to the wants of Ireland, and to have stood manfully by the Bill, if he was satisfied as to its necessity at the time of introducing it. The noble Lord is a great man for constitutions. I recollect that last year, when speaking with regard to a reform in Parliament, after I had sat down, he addressed the House in not the most amiable mood. He said that certain hon. Gentlemen were well worth attending to when they spoke on matters relating to trade—that when they spoke on questions connected with the commerce of the country, they handled them with great ability, but he was amazed at their narrow-mindedness, and their small views when they came to discuss great constitutional questions—questions which the noble Lord himself has discussed all his life, and after discussing which he finds that he cannot make his great constitution work. Now, the noble Lord's object is to work this House in harmony with the other House of Parliament. Never did any man in this world undertake a more impossible object; and the noble Lord is, I trust, gradually finding that out. We have had a question to-day, which affords another specimen of the dead lock into which the two Houses of Parliament are working themselves. Year after year the noble Lord has brought forward a measure to emancipate, as it is termed, a certain class of persons in this country; and year after year the measure has been passed in this House. But when it goes to the House of Lords this measure is scarcely discussed: there not only the House of Commons but the Ministry is treated with contempt, and the Bill is kicked out as a thing too ridiculous for calm consideration. Perhaps the noble Lord proceeds on the principle of ripening the pear—as it was formerly termed—in thus bombarding the House of Lords with good measures; but the result is, that he allows every good measure to be pared down until it will pass through the minute gauge which suits the other House. Well, now, how long is this to go on? It is quite clear that the noble Lord's constitution will not work. It does not work even now to his own satisfaction. It does not work even to keep himself in office; for as the two Houses are going on, and, as the Government is situated between them, it is quite clear that his government cannot last long. What does the noble Lord intend to do? It is rumoured that he intends to add to the democratic element in the House of Commons. Well, but if that element is now too much for the House of Lords, how can he expect to get on more comfortably when he shall have added fifty more Members, who will vote against him when he does not go far enough in proposing measures of reform? The effect of any extension of the democratic element in this House, will be to increase discord and difficulty between the two Houses, or the noble Lord's constitution must be extinguished, because the Lords will have to succumb. These are serious considerations. None of us can shut our eyes to the fact that here is a vast empire, here are three kingdoms, from almost every part of which there are complaints of various kinds, and especially with regard to the representation. This House is willing to go to a certain extent, to a very small extent I admit, to pass remedial measures; but when it sends such measures up to the other House of Parliament, they are there unceremoniously rejected. The course which the noble Lord should take, is, in my opinion, this. When he meets Parliament at the beginning of the Session, he should bring in two or three good measures, perhaps fewer would be better; for I would ask no Government to pass more than one great measure in the course of a Session; in laying those measures on the table he should let the country and this House and the other House know that the Government intend that they should pass, and that they will not retain the responsibility of carrying on the administration of affairs if they are rejected by either House of Parliament. The course which is pursued now is one that is both humiliating to the House, and destructive to the noble Lord's Government. Nearly every time he sends a measure up to the House of Lords, it is rejected; and in this manner difficulties arise between the two Houses of Parliament, and the character of the noble Lord's Government is depreciated. Whatever may be his majorities in this House, his position is becoming more and more humiliating; and I confess that I do regret most deeply that, after all the services which the noble Lord has performed in years past, by carrying measures which, if they have not gone so far as I could have wished, have perhaps, gone as far as circumstances would permit —I do regret that he should not be able to carry out the principles which he has professed. With regard to this Bill, I believe the greatest and safest policy towards Ireland is the most generous policy. You have tried the other policy for centuries, and there is not a spectacle in the world so humiliating to a Government as the spectacle of Ireland is to our own. You have tried to govern through the landlords of Ireland, through what you call the territorial system. Your government has lamentably failed; it has made that island a scene of anarchy. Your proprietors are for the most part ruined; your people have been starved off, and have emigrated by hundreds of thousands. I learn from a paper which has been read before the Statistical Society of Dublin, that the writer states his belief that at the next census the population of Ireland will not be found greater than it was in 1831. If it be to this that your system has brought Ireland, I ask you whether it be not time to change? Irishmen are like other men; they may be controlled, and guided, and governed by kindness, generosity, and justice. Do you still wish that the representatives of Ireland should be the representatives of its territorial proprietors only, and are you afraid to have in your House one hundred gentlemen who represent the great mass of the occupying tenantry? If you had a hundred representatives of this kind, even if we did not legislate in all things as they might desire, still they would feel that their voice was heard in the Imperial Parliament; and, comparing their position with that of Lancashire, Yorkshire, and Devonshire, they would feel that their countrymen were treated by the Imperial Legislature with the same justice as the great mass of the population of England and Scotland. If the noble Lord had dealt with this question manfully, and wisely, and generously, he would have done much to assuage the feeling of hostility in Ireland towards this country, and would have obtained ample leisure to adjust in the next and in succeeding Sessions of Parliament those questions of a social, as well as those of an ecclesiastical, character which must come on for settlement ere long, either under the government of the noble Lord, or under that of those who shall succeed him. I regret that the noble Lord has not shown the decision which was required with regard to this matter of the franchise. If he will tell us now that he does not himself accept what is before us as a compromise, in other words, as an arrangement or bargain by which he will hereafter stand; if he will tell us that he merely asks for a 12*l.* franchise as a gain in the present state of things in Ireland—why then we must do the best we can under the dilemma in which we are placed, and support his proposition; but if he says, "I take this 12*l.* as I before intended to take the 8*l.* franchise, as a final settlement," then I believe he will find in the course of a Session or two, that vast numbers on this side of the House are prepared to go further, and he will be more and more at variance with large numbers of his supporters. I repeat my conviction, that the true policy for Ireland is a liberal and generous policy; and, let me add, that if you wish to withdraw the people from the influence of those who mislead them, if such there be, you should endeavour, by adopting such a policy, to create in them faith, hope, and trust in the impartiality of the Imperial Parliament.

Lord J. RUSSELL: I am sorry to detain the House, but I think the hon. Member for Manchester has raised questions, the discussion of which I cannot altogether avoid; because the hon. Gentleman has not confined himself to this Bill, but has thought fit to lay down propositions which, as I conceive, tend to disparage the present constitution of the country, and might lead to the establishment of some other. The hon. Gentleman found fault with me for having proposed upon this as upon some other occasions, to agree to something different from that which I had originally proposed, and to yield in some degree to the expressed opinion of the other House of Parliament. Now, I consider it is nothing with regard to this question to consider the two Houses of Parliament together, and to say that a majority of sixty-eight in the one House, is to be balanced against a small majority of twenty-two in the other, and that we ought to have measures carried by a majority of the two Houses together. It is evident that, if the two Houses are placed together, in one assembly, that will be the consequence; but as long as we have the two Houses of Parliament, if Amendments are made by the other House, and sent down to the House of Commons, the House of Commons must deal with them as the decisions of the other House of Parliament. Now, the hon. Member seeing that take place, proposes what I understand to be, with regard to any measure of this kind, that I should declare at the beginning of the Session that the Government desire to bring in certain measures—that as to this 8*l*. franchise the Government should have declared at once that that was to be the rate of the franchise in Ireland, and that they would listen to no change or discussion on the subject. If that were to be so, there would at once be an end to the balance of the constitution of this country. It might be desired that that constitution should be at an end, but we ought not to deceive ourselves that such is the proposition of the hon. Member for Manchester. Let us suppose the hon. Gentleman to have his will with respect to the reform of the present House of Parliament; that he gives what is called, I believe, the household suffrage, which, in fact, more nearly approaches what is called universal suffrage, for it goes far beyond what was understood as household suffrage in former days—and that the hon. Member had an elective assembly elected under the law; and suppose the Minister were to say at the beginning of the Session to that popular assembly, "Here is a great measure I propose to you—it must be carried in its integrity—from it you must not depart;" and suppose, according to the existing state of things, that the House of Lords were not to modify that measure, but to reject it altogether, the hon. Gentleman must have something in reserve—he must have some resource, and it is evident he means that the will of that popular assembly is to prevail, and that there is to be no discussion, no modification, no tampering of moderate views, no elaborate or learned discussion, no reference to history, no regard for precedent, which may in any way alter the views of that imaginary Minister who is to come down to this House and say, "Such is my will, and it must not be changed." Without discussing the merits of our constitution, or any other, at the present moment, it is quite plain that what the hon. Member really proposes is an absolute democratic assembly, which shall have no barrier to its will—which shall meet with no opposition to its decrees, and before which all the estates and constituted powers of the country must bow. It may be that such a change is desirable; all I can say is, that I am not one of the persons who desire it. All I can say is, that I think, with all its inconveniences—with its very long delays—with frequent rejection of measures that after some years every one admits to be useful—with lengthened discussions—with the many impediments to legislation which arise in this country—with all these counteracting influences, yet the sum of good obtained under our constitution is so great, our institutions are in themselves so valuable, and their fruits so precious, compared with those which (with perhaps one or two exceptions) history, either ancient or modern, shows to have been produced by any other form of government—by any other constitution devised by the wisdom of man—that for my own part I am not willing to change the constitution of this country for any other that the hon. Member may recommend. It has happened to me—if I may be pardoned for speaking of myself—to carry measures of change through this House, and, eventually, through Parliament, which I thought measures of improvement, but which, in the first instance, met with great opposition and powerful resistance. I thought that the constitution might from time to time be improved—that laws might be changed much to the advantage of the people; but I acted under the conditions which I saw imposed on me by the state of the Government of this country, and by a constitution which I did not frame, but under which I was born, and which I have no wish to overturn. I proposed a great many years ago a change of a most important kind in the character and construction of this House. I did not feel dispirited by the reverses which I met with in the prosecution of that object. Not only was I overthrown in repeated divisions, but I was opposed by the splendid, the almost overpowering eloquence of Canning. Still I went on my course, and after ten years of discussion and deliberation I had the satisfaction of seeing a great reform of Parliament effected. When I was defeated in my first endeavours I did not say, "I discard all respect for the constitution because my plan is not carried at once." On another occasion I proposed the repeal of an Act which had long existed, and on which, though not in active operation, many persons believed the safety of the Church to depend—I mean the Test Act. The first time I proposed the repeal of the Act, I succeeded. I had reason to believe, however, that my success would be limited to the House of Commons, and that the other House of Parliament would reject the change proposed unless I would agree to a compromise, and allow of the substitution of a declaration for the unjust and offensive test. I persuaded those whom I then looked upon as my clients, and with whom I had frequent conferences—the Protestant Dissenters—to listen to the compromise, and, as the wisest course, to agree to it; and the repeal of the Corporation and Test Acts was carried only by accepting the compromise, and thus obtaining the assistance of the Government in the other House of Parliament. I may refer to another subject. I proposed a great change—one of the most important, I think, that ever took place in this country—which was carried without great discussion because it happened never to be an object of great popular alarm or excitement—I mean the commutation of tithes. The measure, as I proposed it, did not meet with general assent. You, Sir, and other Members of this House, pointed out to me that the Bill which I had introduced would not be accepted by those who were most interested on the part of the laity, and suggested changes which it was necessary to make in order to render it acceptable. I considered the changes which were proposed to me, and, after some delay, adopted them, and by that means succeeded in carrying a great and useful measure. I am sorry to be obliged to enter into these matters; but I refer to them as instances of great good which has been effected, not by taking the course which the hon. Member proposes—not by throwing a Bill on the table and saying to the House, "Here is my measure—I will not change a word of it—you shall take it as it is, or run the risk of a collision between the two Houses, or between the people of England and the House of Commons." I have shown that I have been able to effect great good by pursuing a totally different course, and instead of clinging pertinaciously, from motives of pride or vanity, to my own measures, submitting them to alterations, sometimes for the worse, sometimes far the better, and endeavouring to attain practical benefit by means of compromise. The hon. Member has alluded to the terms in which on a former occasion I spoke of the manner in which he and other Members had addressed the House relative to the working of part of our institutions. It seems I allowed a phrase to escape me with reference to the narrow-minded view which those hon. Members took of the subject. Speaking generally, I do not concur in the view which they take of the aristocracy of this country. The hon. Member on that occasion, as he has done on many others, represented the aristocracy of England as a class forming a sort of great council, like that of Venice, entirely separated from the great body of the people, as if its ranks were not continually recruited from the mass of the people. I cannot admit that, and I said it was a narrow-minded view of the subject.

MR. BRIGHT would save the noble Lord the trouble of proceeding. On the occasion referred to, the discussion was on the Motion of Mr. Hume with regard to Parliamentary reform, and what was referred to was the fact of the representation of Manchester being balanced by that of many small places.

LORD J. RUSSELL: My recollection differs from that of the hon. Member, and I think on the occasion in question I pointed out that members of families which, a hundred years ago, were amongst the humblest and poorest of the subjects of the Crown in this country, had, by dint of talent—by dint of learning, whether in the profession of the law or the Church—by their services in the Navy or Army, or by other distinguished merits, won their way to the highest honours of the peerage, and formed as proud a portion of the aristocracy as any of their Peers. If I mistook the hon. Member, I regret it; but I still think that his remarks always have a tendency to represent the aristocracy as something distinct and separate from the bulk of the people. I not only hold that this supposed distinction is unfounded in fact—not only that it is contrary to all we know of the history of past ages, and of what we see day by day, as will appear from an examination of any list of the Peers of England—but I also contend that a belief in its existence would have a mischievous effect, and instead of strengthening that union of classes in this country, which induces the aristocracy to believe that their fate and welfare are bound up with the welfare of the people, and the people to look upon the aristocracy as the defenders of their rights and privileges, would lead to a war of classes and ranks, that would cause the subversion of the Government, of the constitution, and of the existing state of society. The aristocracy of the country, instead of being desirous to separate themselves from the people, feel that their strength and permanent existence depend on continually receiving fresh accessions from those who by the highest qualities of the mind are able to place themselves on an equality with them. The hon. Member wishes that the 8*l.* franchise had been carried. I wish the same thing. I proposed it on sufficient grounds, and I think it ought to have been adopted. I have already explained why the measure was not brought forward at an earlier period—namely, because in the deplorable state to which Ireland was reduced by famine, the Government thought it right to postpone the consideration of political privileges to the amelioration of the social condition of the people of that country. I take no blame to myself for that. The Bill was introduced this Session and sent to the other House, where I think it has been impaired by the changes to which it has been subjected. But if the measure be carried in the form which I now propose it shall assume, it will add 170,000 to the constituency of Ireland. That would be a great practical boon, and it is worth our while to effect it. As to the future, I must decline to enter into any engagement either with Members on this side of the House, or with those on the other. I say, "Here is a practical good; will you adopt it?" If, subsequently, we find the people of Ireland exercise the franchise given by this Bill, and think it sufficient, no one, perhaps, would ask for a change. If, on the contrary, it should appear desirable to extend the franchise further, our assenting to the present measure will not prevent us from proposing such further extension as may be required. Such is the spirit in which I propose this Bill. Such is the spirit in which, both in and out of office, I have proposed other changes for improving the institutions of the country, for altering laws which were vicious or defective, and for conferring a greater degree of freedom and happiness on the people. With all these changes and improvements it has been my endeavour to combine the maintenance of the tranquillity of the country, and the permanence of our institutions.

Mr. TORRENS M'CULLAGH said, it was not his intention to detain the House at any length, but simply to confine himself to the two propositions which had been placed before them. The hon. Member for Wenlock, who had spoken first in the debate, and his friends, wished to retain the Bill as it had come down from the House of Lords; and the noble Lord at the head of the Government had invited them to adopt a 12*l.* franchise. To the first proposition he could not assent, because as the Bill originally left the House it only gave an adequate redress for a known and acknowledged grievance; and if they were right in the decisions at which they had then arrived, by large majorities, he could not see that there was any reason at present for departing from the principle of the Bill. Its acknowledged principle was, that something like an equality should be given the people of Ireland as compared with the people of the rest of the empire. It was then contended that nothing higher than an 8*l.* rating would establish anything like that equality. The noble Lord, on the present occasion, did not deny that the consequence of accepting a 12*l.* rating now, unless a great pressure arose on the other side of the Channel, might constitute a permanent settlement. To such a settlement he, for one, could not agree. He held the reunited party opposite responsible for having led and lured the House of Lords into the perpetration of an insult towards the people of Ireland, because that party, however otherwise they might have been divided, had reunited their talents and endeavours in order to destroy the principle of the measure. He asked whether it was right that upon a question of this kind the people of Ireland, when asking constitutionally for an approach to equal liberties with the rest of their fellow-subjects, should be spurned, and have abuse and vituperation cast upon their creed and their condition? He was asked what was the abuse? Why, it had been said that if they were to confer the proposed original privilege, it would enfranchise the rubbish of the community, and lead to the influence of the priesthood over "a pauper" constituency. Was this a time, after three years of affliction and misery, to stigmatise a whole people with their poverty? He did not believe that the proposed rating would increase the constituency to the extent which had been stated. The 8*l.* rating, it was said, would give the counties a constituency of 200,000. Upon the same rule the 15*l.* rating would give 110,000, and the 12*l.* would give 136,000; so that the difference between a 12*l.* and a 15*l.* rating was only 26,000. The 15*l.* test would give about 9,000 voters to the five counties which constitute the whole province of Connaught; and the other would give them 11,740 voters—not quite so many as one of many agricultural counties possessed in England. He would not mention manufacturing counties in England, which it might be argued resembled in wealth and density the population of towns. But it would be found that Durham, Derbyshire, Norfolk, Cheshire, Gloucestershire, Kent, Devonshire, Lincoln, and Somersetshire, have each a greater number of electors than the whole province of Connaught will possess under the 12*l.* franchise. He should decline to voting for either of the propositions before the House. His conviction was, that after what had been experienced, there was no security for the people of Ireland, except in making common cause with the people of England, asking to be put on the same level with the latter, and to have *verbatim et literatim* the same rights and privileges; and he hoped the day was not far distant when the people of both countries would struggle, without any national jealousies, to establish the same freedom for all portions of the empire.

MR. M. O'CONNELL, in voting for the proposition of the noble Lord at the head of the Government, reserved to himself the right of resorting to every constitutional means of obtaining a fuller and fairer franchise. Some allusion had been made by an hon. Member to his deceased father, whose motives had been misunderstood, and, who, Session after Session, had been prepared to extend the franchise, but that object he was prevented from accomplishing in consequence of the opposition he encountered, which was finally successful.

MR. SHEIL: Such attention, Sir, as I may have the good fortune to obtain, I shall reward with brevity. My hon. Friend the Member for Dundalk has spoken as if it depended on the noble Lord at the head of the Government, by some process of gentle violence, to prevail on the House of Lords to accept the Bill in its original form. But that expectation would be hopeless indeed, and it remains for the noble Lord, by a compromise—at some sacrifice of pride, perhaps, but not of honour—to use his utmost endeavours, in the present state of the Irish registry, to induce the House of Lords to mitigate the injustice into which they have been betrayed. I entertain a hope that they may be induced to retrace their steps. A little reflection ought to convince them that they have done Ireland great mischief and great wrong. What can be more preposterous, for example, than the course which they have followed with respect to the self-acting registry? They have retained it in cities and boroughs, and substituted a notice to be served by claimants in writing in the counties of Ireland. If a man ought not to be registered in a county against his will, why should he be so registered if he resides in the city of Cork, or the borough of Clonmel? By rejecting the self-acting registry, the Lords will get up a perpetual canvass in every county of Ireland. Not contented with the fury of an election, they will insure the preliminary animosities of a registration. The sacerdotal and territorial influences will be engaged in a perpetual wrestle—the injunction of the priest will be encountered by the inhibition of the landlord, and the notice to register will be followed by the notice to quit from his consecrated rostrum, whose eloquence, unfashioned perhaps, yet fervid and impressive, reaches to the heart of the peasant, whether he be rated at 8*l.* or 15*l.*

Father O'Shaughnessy exclaims from his pulpit, "I expect that before I meet you again every man in this parish rated at 15*l.* will serve notice to register, that he may vote for God and his country at the next election for the county of Mayo." Patrick Murphy, touched by this invocation, sends the fatal notice. He meets the lineal descendant of some prosperous soldier of the Commonwealth — one of the great Cromwellian deposits left by the Lord Protector in Ireland:—"How is this, Murphy? Have you served a notice to register, against the express orders which I have given to every tenant on my estate?"—"Please your honour," cries Patrick Murphy, in an attitude of more than Celtic humiliation, touching the earth with his hat with one hand and his gray hairs with the other, "Father O'Shaughnessy!" "Does Father O'Shaughnessy know that you have no lease?" These are the amiable interpellations—the constitutional interrogatories to which the rejection of the self-acting registry will, beyond doubt, give rise. By raising the qualification from 8*l.* to 15*l.*, the Lords have almost annihilated the household constituency, and made the sole depositors of the franchise a mass of serfs, who will vote under the eye of their landlords, or the terrible fascination of some basilisk of the law. It may occur to the Lords, that a system of servitude may result from this state of things, which will afford the most powerful arguments for the ballot, for it will be felt, even by those who are most strongly opposed to clandestine voting, that secrecy is better than servility, and that disengenuousness is not more immoral than fear. It may also occur to the House of Lords that they have unconsciously supplied the strongest incentives to agitation. They have furnished men by whom England is hated with a pretence for saying that justice cannot be obtained from the Imperial Parliament, and have put torches into the hands of those who have most interest in setting the country on fire. These considerations may not be without influence on the House of Lords. I do not despair of them—nay, of Lord Stanley's discretion—though I may be deemed sanguine indeed in saying so. I do not wholly despair. Although the noble Lord at the commencement of the Session intertwined with his cereal garland a wreath of lilies gathered at Dolly's Brae, and he has recently done his utmost to deliver Ireland over to that party which he once designated in terms so contumelious that I care not to repeat them, yet I entertain the hope that he may still revert to that better, happier time, when, during the passage of the great measure of emancipation, he objected to the franchise proposed by Sir Robert Peel as too high, when he afterwards, by changing the terms in the Irish Reform Bill, in the opinion of the best lawyers, lowered the 10*l.* franchise; and, above all, when he gave to the Irish people the best of all intellectual qualification for the right enjoyment of political privilege, by founding that admirable system of national instruction which stands as a monument of wisdom not the less conspicuous because it stands alone. I should be loth to say that Lord Stanley was insensible to his duty; I trust that he is not regardless of his interests, and surely he can scarce fail to feel that it is the consummation of imprudence on his part to put himself into antagonism with Ireland—to condense and concentrate the national disrelish in his name, and fill the hearts of millions with the persuasion that his advent to office would be followed by the restoration of ascendancy in its most odious form—that a deep-dyed flag would be again unfurled from the Castle, and that the rights and the feelings of the Irish people would be trodden under the foot of a fierce and truculent domination.

MR. DISRAELI: I think, Sir, the experience Lord Stanley gained in the administration of Ireland, and the acquaintance he has with its social condition, offer *primâ facie* evidence that any opinion the noble Lord has expressed with reference to that country is the result of personal knowledge and reflection. Because the other branch of the Legislature has confessedly exercised its constitutional privileges—nay, more, has performed its constitutional duties, I am surprised to hear it intimated, now the result of their labours has come before this House, that a collision has taken place between the House of Commons and the House of Lords. One hon. Member after another has risen to express astonishment that the House of Lords should have presumed to exercise the power with which it is constitutionally invested, and to say that a collision has taken place. No collision whatever has taken place. Even though the House of Commons should not agree to the Amendments, there is yet a constitutional machinery prepared, by which communication can still take place between both Houses, and until communications so conducted shall have failed, it is clearly at least premature for hon. Members to talk about collision. I think this House has a right to complain of the use the hon. Member for Manchester made of the name of the Sovereign in the course of this debate. He said that the Bill had been brought forward with the consent of the Sovereign. It is clearly against the rules of this House that the name of the Sovereign should be introduced to influence a debate. But the position taken up by the hon. Member for Manchester is not only unconstitutional, it is quite untrue. It is well known and universally understood that the consent of the Sovereign to the introduction of a Bill is only given in a provisional sense, and does not in any degree control the final and absolute decision of the Crown as a branch of the Legislature. This is so well known, and so necessary for the maintenance of public liberty and the freedom of discussion, that I should not have referred to it had not dangerous reference been made to the name of the Sovereign. Sir, after the extraordinary tone which has been introduced into the debate, and after an hon. Member has announced a collision between the two Houses, and introduced to our notice a new form of constitution, I must recall the attention of the House to the somewhat ordinary matter of fact subject upon which we are called upon to decide. The House of Lords has presumed, in the exercise of its constitutional functions, to make some alterations in a Bill. Now, Sir, I call upon the House to consider the nature of those alterations, and to say whether they are alterations which can justify the observations of those hon. Members who call out that there has been a collision between the two Houses. Let us see what those alterations are. There are, it appears, three points with regard to which the House of Lords is at issue with the House of Commons. The first is, the second clause; but that, let me remind hon. Gentlemen, was sent up a corpse—a dead body—to the House of Lords; condemned by the First Minister and by an influential Member of this House, who, by some miracle or another, failed in his division against it. The House of Lords had the presumption, and I will add the discretion, to throw out that clause. The next alteration appears to be this. The noble Lord put before the House this question—"I have proposed an 8*l.* qualification, but the Bill is brought to us from the Lords with a 15*l.* qualification. Now, as a matter of conciliation, I propose to meet the matter by passing a 12*l.* qualification." This would lead the House and the world to infer that the contest in the House of Lords was a contest between an 8*l.* and 15*l.* franchise, and that the House of Lords, with an insulting exercise of authority, struck out the proposed qualification, and inserted another nearly double in amount. The facts of the case, however, were these: that, after much discussion in this House, the 8*l.* qualification was sent to the House of Lords, but that the very Minister who had charge of the Bill stabbed this clause as it were in the back, and himself virtually proposed a higher qualification. I appeal to the candour of hon. Gentlemen to bear me out when I say that the question at issue in the House of Lords was between a 12*l.* and a 15*l.* qualification. Well, if, after mature deliberation, this branch of the Legislature arrives at the conclusion that the franchise should be a 15*l.* instead of a 12*l.*, is it to be contended that their so doing is an enormous violation of the constitution? Surely, if the question is to be decided by the House of Lords at all, this was a sedate, serious, and constitutional exercise of its authority. With respect to the third alteration—that which has reference to the self-acting register—is it possible to imagine a more moot point than such a question. I say emphatically that the provision of the Bill thus impugned is a compulsory one, and consequently alien to the policy of a free Government. If you have a free Government—a Government of free discussion—which is a form of government which the hon. Member for Manchester does not admire—no question can be more fairly debated than whether the registration shall be free or compulsory. This, I apprehend, is a point upon which the opinion of either branch of the Legislature ought to be listened to with respect; for, if ever there was a question upon which the opinion of a double chamber ought to be taken, it is this. These are the three great points upon which the House of Lords has presumed to differ from the House of Commons, and upon which we are told there is a collision between the two branches of the Legislature. With respect to the first point, the noble Lord has told us that he does not intend to disagree with the House of Lords; and, with regard to the second alteration, the noble Lord says, that instead of writing 8*l.* he would write 12*l.* as the qualification, being the amount which his own Minister virtually proposed. It appears, by the Parliamentary returns which are in the hands of every hon. Gentleman, that the estimated number of votes which will be created by the 15*l.* franchise, is 180,000. It is not, however, an extravagant estimate, allowing for joint occupiers and old qualified voters, to say that the constituency, under the 15*l.* qualification, will number 200,000 voters. ["No, no!"] Let us, however, look at our general position with reference to this Bill. We had a Reform Bill for Ireland, which failed, and you found yourselves in this position, that you had a country without a constituency. It would, I admit, be extremely desirable that we should have in Ireland a constituency similar to that which exists in England. Circumstances, however, have occurred to prevent that state of affairs in Ireland. We all agree in this, that although this Bill, whether as proposed by the Government, or as amended by the House of Lords, is still a factitious effort to produce a constituency. This being the case, we must of course draw a limit as to how far it may be safe to carry the experiment. I am not anxious to fight about the probable strength of the constituency which will be created by this Bill; but what I protest against is, that the subject of the Irish constituency should be always made a capital for party trading, and that any party in the State should think that they have the monopoly of arranging the political franchise in Ireland. Sir, I deny that this question was first taken up by the present Government. I deny the right or the fact, that by their entering on this subject the present Government can say they are the sole friends of Ireland in this respect. There was an attempt to settle the question some years ago by the Minister you are all now eulogising as the most liberal Minister the country ever saw. Every hon. Gentleman at this side of the House voted for the proposition of this Minister after your own hearts; and what was the qualification which he proposed? [Mr. TORRENS M'CULLAGH: Sir Robert Peel proposed a 30*l.* qualification.] Just so; and does not that large amount show the difference of opinion which prevails among the most eminent men in the country, and is it not an argument in favour of the decision of the House of Lords? Does it not show that the arbitrary numbers of 8*l.* or 12*l.* have no essential merit in them? This attempt, at a moment's notice, to create a constituency where none previously existed, is an experiment, and must be dealt with as an experiment. Your own returns say that it will increase the county franchise to 200,000; and this is not, I think, a scanty measure of reform. Sir, upon the whole, considering all the circumstances of the case—deeming that a franchise of 15*l.* will give an ample constituency—considering that the Government, by its conduct in the other House, has admitted that the qualification was not well considered in the first instance, and bearing in mind the vote of the House of Lords—we deem it to be our duty to support the Amendments which have been sent to us by that House.

MR. REYNOLDS said, the debate had now lasted nearly five hours, and during its progress he was surprised at the silence of the hon. Gentlemen on the other side. He was glad the hon. Gentleman the Member for Buckinghamshire had at last spoken out on behalf of the House of Lords. He informed them that the House of Lords, in increasing the franchise to 15*l.*, had exercised their undoubted privilege. The hon. Gentleman would seem to infer that while he was reading history, all the rest of the House was idle. His speech had convinced him (Mr. Reynolds) that the hon. Gentleman might make a speech and yet say very little. In fact, without meaning any personal offence, the speech reminded him of an inscription he had read that day in the neighbourhood of the House—"Rubbish may be shot here." It had been said that the 15*l.* franchise would be much lower than the 50*l.* rental to which a county vote was given in England under the Chandos Clause. That was true; but the House must remember that the great majority of voters in Engwere not the 50*l.* tenants, but the 40*s.* freeholders. There were not, however, any voters of that kind in Ireland, as they had been swept away as the price of Catholic emancipation. The hon. Gentleman the Member for Mayo had told them that the Irish people had more than once decided who should be the Minister of the day; and he reminded the noble Lord that they might have to decide that question again. He warned the noble Lord, if he was anxious to hold the helm of the State, and he also warned the hon. Member for Buckinghamshire, if he should aspire to that honour, that, if a fair and liberal policy were not extended to Ireland, the Liberal Members belonging to the Irish party would again decide who should be the Minister. Let them look at the disparity between the Irish and English constituencies. The population in the English counties amounted to 8,336,000, and the number of electors was 344,564, whilst in Ireland the population in the counties amounted to 7,445,100, and there were only 27,000 electors. He regretted the hon. Gentleman the Member for Buckinghamshire had not acted independently, instead of being straitlaced and tied up with his party. He would have made a much more efficient representative if he had not been compelled to speak down to the intellects of the country Gentlemen. Although he was thankful to the noble Lord and his Colleagues for their successful efforts to promote civil and religious liberty, he was one of those who regretted that they did not take higher ground on the introduction of this Bill. He believed it a bad Bill, even in its infancy; but the House of Lords had made it considerably worse. He wished to ask, what was the meaning of the noble Premier proposing, in the first instance, that the franchise should be 8*l.*, and the noble Marquess the President of the Council, in the other House, suggesting that such a franchise might be too low, and proposing that it should be a 12*l.* franchise? The House of Lords, as it had ever been, was opposed to every popular movement in the country. It was opposed to any measure of tenant-right—a question which the people of Ireland had set their hearts upon. Although this opposition might be carried to a great extent, his belief was that the people would ultimately triumph. He had at first made up his mind not to vote at all upon this question; but he had changed his mind, and would vote for the proposition that was now before the House, as he did not blame the noble Lord for what had taken place.

SIR G. GREY felt it necessary to say a few words, in consequence of the misrepresentation into which both the hon. Member for Buckinghamshire and the right hon. Gentleman the Lord Mayor of Dublin had fallen with respect to what had occurred in another place. The hon. Gentleman the Member for Buckinghamshire had said that the noble Marquess the President of the Council, who had charge of the Bill elsewhere, gave the Bill a stab in the back, and instead of proposing an 8*l.* he proposed a 12*l.* franchise to the House. The right hon. Gentleman who had last addressed the House had gone further, and said that the Marquess of Lansdowne had taken the lead in proposing a 12*l.* franchise, and that if he had not done so, an 8*l.* franchise would have been adopted by the House of Lords—

MR. REYNOLDS begged to state, that what he did say was, that if the noble Marquess the President of the Council had not proposed a 12*l.* franchise, the House of Lords would not have proposed a 15*l.* qualification.

SIR G. GREY said, that the Government did propose through the Marquess of Lansdowne an 8*l.* franchise; but another noble Lord (the Earl of St. Germans) having given notice of an Amendment that the House should adopt 12*l.*, and another noble Lord (Lord Stanley) having given notice that he would move the adoption of 15*l.*, the Marquess of Lansdowne, who had proposed 8*l.*, seeing the feeling of the House, and conceiving that he would gain more for Ireland—that he would have a better chance of securing a substantial franchise for that country if he took the issue upon 12*l.* rather than 8*l.*—did in the course of the discussion suggest that, in case 15*l.* was rejected, he would propose 12*l.* The fact was, however, that the opportunity for proposing 12*l.* never arose at all.

MR. DISRAELI begged to say that the right hon. Baronet had substantially confirmed his statement.

Question put, "That 'fifteen' stand part of the Amendment."

The House divided:—Ayes 91; Noes 213: Majority 122.

List of the AYES.

Arbuthnott, hon. H.
Arkwright, G.
Baillie, H. J.
Baldock, E. H.
Bateson, T.
Blackstone, W. S.
Boldero, H. G.
Booth, Sir R. G.
Brisco, M.
Brooke, Sir A. B.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Cabbell, B. B.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Cholmeley, Sir M.
Christy, S.
Clive, H. B.
Cobbold, J. C.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Cotton, hon. W. H. S.
Davies, D. A. S.
Dick, Q.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
Du Pre, C. G.
East, Sir J. B.
Egerton, W. T.
Fellowes, E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Gaskell, J. M.
Goddard, A. L.
Gordon, Adm.
Gore, W. R. O.
Granby, Marq. of.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Hale, R. B.

Halford, Sir H.
Hamilton, J. H.
Harris, hon. Capt.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hill, Lord E.
Hornby, J.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Manners, Lord J.
Maunsell, T. P.
Mullings, J. R.
Naas, Lord
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Packe, C. W.
Pigot, Sir R.
Prime, R.
Reid, Col.
Richards, R.
Rufford, F.
Sibthorp, Col.
Spooner, R.
Stafford, A.
Stanford, J. F.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Taylor, T. E.
Trevor, hon. G. R.
Trollope, Sir J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Vivian, J. E.
Vyse, R. H. R. H.
Waddington, H. S.
Walsh, Sir J. B.
Williams, T. P.
Wodehouse, E.
Wynn, Sir W. W.
Yorke, hon. E. T.

TELLERS.

Hamilton, G. A.
Beresford, W.

List of the NOES.

Abdy, Sir T. N.
Acland, Sir T. D.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey Earl of
Bagshaw, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, Adm.
Berkeley, hon. H. F.
Birch, Sir T. B.
Blackall, S. W.
Blair, S.
Bouverie, hon. E. P.
Bowles, Adm.
Bramston, T. W.
Bright, J.
Brocklehust, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Cardwell, E.
Carew, W. H. P.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Chaplin, W. J.
Childers, J. W.
Clay, J.
Clements, hon. C. S.
Clive, hon. R. H.
Cobden, R.
Cockburn, A. J. E.
Cocks, T. S.
Colebrooke, Sir T. E.
Collins, W.
Corbally, M. E.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Crawford, W. S.
Crowder, R. B.
Cubitt, W.
Dashwood, Sir G. H.
Dawson, hon. T. V.
Devereux, J. T.
D'Eyncourt, rt. hon. C. T.
Douro, Marq. of
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Ellis, J.
Elliot, hon. J. E.
Emlyn, Visct.
Estcourt, J. B. B.
Evans, Sir De L.
Fagan, W.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Fitzroy, hon. H.
Foley, J. H. H.
Forster, M.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Lord J. F.
Hamilton, Lord C.
Hanmer, Sir J.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hatchell, J.
Hawes, B.
Hayes, Sir E.
Headlam, T. E.
Heald, J.
Heneage, G. H. W.
Henry, A.
Herbert, H. A.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hollond, R.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, Sir R.
Hume, J.
Hutchins, E. J.
Jackson, W.
Jermyn, Earl
Jocelyn, Visct.
Keating, R.
Kershaw, J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lindsay, hon. Col.
Locke, J.
Lushington, C.
M'Gregor, J.
Magan, W. H.
Mahon, The O'Gorman
Martin, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Moffatt, G.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Newry & Morne, Visct.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir L.
O'Brien, Sir T.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
Ogle, S. C. H.
Osborne, R.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Sir G. B.
Perfect, R.
Pilkington, J.
Pinney, W.
Powlett, Lord W.
Price, Sir R.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Rich, H.
Robartes, T. J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Lord
Sheil, rt. hon. R. L.
Shelburne, Earl of
Simeon, J.
Smith, rt. hon. R. V.
Somers, J. P.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanton, W. H.
Stuart, Lord J.
Tancred, H. W.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Townley, R. G.
Trelawny, J. S.
Tufnell, rt. hon. H.
Verney, Sir H.
Villiers, hon. C.
Wakley, T.
Wall, C. B.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Wellesley, Lord C.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyld, J.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

Motion made, and Question, "That 'twelve' stand part of the Clause," put, and agreed to.

LORD J. RUSSELL said, he would not discuss the matter of the registry further, but simply move that the Lords' Amendment, omitting Clauses 18, 19, and 21, be disagreed with.

Motion made, and Question put, "That this House doth disagree with the Lords in the said Amendment."

The House divided:—Ayes 179; Noes 109: Majority 70.

Other Amendments agreed to.

Committee appointed, "To draw up Reasons to be offered to the Lords at a Conference."

QUEEN'S MESSAGE—MARLBOROUGH HOUSE.

Resolution brought up by Mr. Bernal, and read 1°.

Mr. HUME wished to know whether Marlborough-house was not a portion of the property belonging to the Crown lands? He protested against the arrangement proposed by the Government with regard to Marlborough-house until the House was informed what funds there were at the present moment to the account of the Prince of Wales. He believed the land revenues of the Crown had been so egregiously mismanaged, that they produced little or nothing towards the public revenue. He understood that for ten years the accounts of that department had not been made up, and that the system of management had been most discreditable to the Woods and Forests. He would call upon the House to postpone assenting to this Resolution until they were in possession of further information on the subject.

Mr. TRELAWNY would support the Hon. Member for Montrose in opposing the Resolution. He had again and again urged the Government to afford the House some information as to the management of the revenues of the Duchy of Cornwall. He thought he had been somewhat unfairly treated by the Government on that subject. A return which had been laid before the House relative to the New Forest showed that in many cases the property had been most grossly mismanaged. It had been supposed that the timber in that forest was appropriated to purposes of shipbuilding in the public dockyards; but the fact was, that a system of collusion had existed between persons connected with the forest and private shipbuilders, and the latter obtained the timber at a merely nominal value.

Lord SEYMOUR hoped the House would not, at that late hour, go into the question of the management of the forests, which really had nothing to do with the subject before the House. By the arrangement which was proposed with regard to the stables, and the extension of Carlton Terrace, the value of the Crown property would be increased by at least from 16,000*l.* to 20,000*l.* He thought when the hon. Gentleman who had just spoken examined the accounts of the land revenues, they would not consider the management had been so bad as they seemed to suppose. They would find that in the last thirty years the land revenues of the Crown had increased in a far greater proportion than any other land revenues in the country; for they had been raised from 30,000*l.* or 40,000*l.* to about 200,000*l.* a year.

Mr. HUME was very glad to hear there had been an increase; but he should like to know what had been the net increase in the land revenue. He maintained that the whole revenue of the Woods and Forests was less than nothing. He believed the Crown lands were so badly managed that scarcely any revenue was derived from them. He complained that these important propositions were brought on at so late a period of the evening, when they were assented to as a matter of course. There was a time when he could sit the Speaker out of the chair, but he could not do that now. He did not see why they should now grant Marlborough-house to an individual who could not want it for nine or ten years to come. There must be something behind the scenes—some job or other, no doubt; and, unless some explanation was afforded, he would record his vote against the Resolution.

Colonel SIBTHORP believed the whole proceeding to be a gross job.

Sir H. WILLOUGHBY insisted that before another charge was thrown upon the land revenues of the Crown, the House ought to know the extent of the burdens upon them.

Lord J. RUSSELL said, that what was proposed with respect to the stables would be an advantage instead of a new charge upon the land revenues. The whole advantage to the public would be about 800*l.* a year.

Colonel SALWEY believed that Marlborough-house would be occupied forthwith, and that there would be very considerable expense to the public.

Motion made, and Question put, "That the said Resolution be now read a Second Time."

The House divided:—Ayes 81; Noes 39: Majority 42.

Resolution read 2°, and agreed to.

Bill ordered to be brought in by Mr.

Bernal, Lord John Russell, and the Chancellor of the Exchequer.

SUPPLY—CONVICT ESTABLISHMENT IN THE COLONIES.

Postponed Resolution, No. 31 [26th July]—

> "That a sum, not exceeding 100,147*l.*, be granted to Her Majesty, to complete the sum necessary to defray the Expense of the Convict Establishment in the Colonies, to the 31st day of March, 1851."

Colonel DUNNE said, he had hoped, when he consented to postpone the discussion on the vote at present before the House, that he should be granted the opportunity of bringing it forward at, at least, as early and favourable an hour as that at which he yielded to the wishes of the Government, in postponing it; but he found that the right hon. Secretary for the Home Department had decided on bringing the vote on at that late hour, and although he expected the disadvantages he at present laboured under, from the advanced period of the night, as well as from the fatigue the House must feel after sitting with little interruption, since twelve o'clock, and after two debates on subjects most important and exciting, yet he considered it his duty not to lose the last opportunity of bringing before the House a subject which he considered of extreme importance to Ireland, and which he thought ought to engage the earnest attention not only of that House, but of the country. Although the subject was necessarily connected with some of the most essential interests of the country, and although it would be necessary, in elucidating it, to make statements of figures, at all times wearisome, yet he should endeavour to do so as shortly as he possibly could. On the occasion of the Estimated Votes, No. 3, for law and justice, he had pointed out what he asserted to be a gross injustice to Ireland, and showed that while within a few years, in fact since 1845, this House had remitted a sum between 700,000*l.* and 1,000,000*l.*, formerly borne by county rates in England, to the local taxation, and placed it on the Consolidated Fund, while it had not only not remitted any equivalent to Ireland, but actually increased the local burdens by 2,000,000*l.* for poor-rates alone. In England prisoners, whether convicts or misdemeanants, were supported from the Consolidated Fund, while in Ireland the greater number were thrown on the resources of the counties. It would appear from the papers laid on the table of the House, that the following were the sums granted for the support of persons convicted during the years 1847, 1848, 1849:—

	Convicts.	Misdemeanants.	Total.	Payment.
		1847.		
England..	2,857 ..	1,921 ..	4,778 ..	£102,074
Scotland..	466 ..	1,596 ..	2,062 ..	nil.
Ireland...	2,210 ..	11,221 ..	13,431 ..	2,620
		1848.		
England..	3,311 ..	2,309 ..	5,620 ..	£97,126
Scotland..	354 ..	1,818 ..	2,273 ..	8,594
Ireland ...	2,758 ..	12,968 ..	15,726 ..	4,054
		1849.		
England..	2,910 ..	1,871 ..	4,781 ..	£97,120
Scotland..	377 ..	1,692 ..	2,069 ..	10,437
Ireland ...	3,088 ..	15,443 ..	18,531 ..	9,792

So that, while the average rate per head for convicts in England was 22*l.* in 1847, in the same year it was in Scotland nil, and in Ireland only 3*s.* 10½*d.* And, in 1848 and 1849, it was—

	1848.			1849.		
England	£15	14	3	£20	6	3
Scotland......	3	19	7	5	0	10
Ireland	0	5	2½	0	10	6½ only.

Could any one say that this was fair to Ireland, or that she received any equivalent? In addition to this, the cost of prosecutions paid for out of the Consolidated Fund in England, were thrown on the counties in Ireland; and when we add to this the sum of 98*l.* 16*s.* 11*d.*, the moiety of the expense for medical officer and schoolmasters in the workhouses in England, paid also from the Consolidated Fund, and from the poor-rates in Ireland, he was fully justified in saying that the latter country was not equally or fairly treated in the matter of taxation. Last year the hon. Member for Glasgow had moved for a return of the income and expenditure of Ireland. It was asserted that it would prove that Ireland did not contribute a fair share to the taxation of the empire; but it seemed to him (Colonel Dunne) that it proved the reverse; the taxation levied on Ireland was about 4,500,000*l.*, and how was this disposed of? The first item was from 800,000*l.* to 1,000,000*l.* for the troops quartered in Ireland. Was such a body of troops requisite for Ireland? No one could say so; but they were requisite for the necessary reliefs in the colonies, and the support of your foreign interests. Now, what concern had Ireland in them? What participation? Why, since the Union, her foreign trade had scarcely increased—the balance was against her; neither had the colonial trade increased, and still the balance was here also against her. There was another item he must not overlook, for which Ireland did not get credit yet, which was drawn from her resources: this was the customs duties on articles consumed in Ireland, but levied in England, and amounted to at least 500,000*l.* In the period from January, 18 years, ending 1845, there was remitted from Ireland to the English Exchequer, at least a sum of 23,000,000*l.* surplus revenue. In the term of ten years, ending 1844, on account of the Woods and Forests, a sum of 605,137*l.* 9*s.* 4*d.* was in like manner remitted. On this account the sums collected and expended in Ireland were as follows:—

		Collected.	Expended in Ireland.
1847	ending Jan. 4.	£55,781 2 6	£14,949 3 2
1848	do.	82,814 8 2	19,523 6 0
1849	do.	59,722 16 7	18,079 19 7
1850	do.	60,531 11 1	13,310 8 0

Well, in addition to these heavy drains was the tax paid in Ireland for the rents of absentee landlords—for a tax he would ever assert it to be—it could not be reckoned at less than 4,000,000*l.*, and the amount remitted during twenty years could scarcely be under 80,000,000*l.*; and it was on a country so drained, so exhausted, that additional local taxes, amounting in one item alone to 2,000,000*l.*, were laid on, while an English Parliament gave an exemption to themselves of nearly a million. Why, no country could bear such a remorseless taxation, much less a poor one; were Ireland like, as California was said to be, one immense gold mine—were her rivers, like the Pactolus, to roll golden sands, such a drain must exhaust her. But it would be said she did not pay the interest of her debt. What was that debt, and how was it contracted? What did she gain by the expenditure of the money she was called on to repay? At the Union it was about 24,000,000*l.*; in 1817 it had increased to about 136,000,000*l.*; and then, for very shame, the Ministry of the day stopped its accumulation. And we are accused of not paying the interest of a debt contracted for money expended for the aggrandisement of the commerce and foreign influence of England, but in which he had shown Ireland had no participation. In what did Ireland participate with England by her union with that country? Why, Ireland participated in the glories and expenses of the last war; but England secured all the advantages to herself. Another point he must advert to was, the practice of leaving convicted prisoners in the gaols in Ireland. What was the result? Why, that they were so crowded that contagion and disease followed, and, in many instances, a sentence of confinement for a short period was, in fact, a sentence of death. This subject was one of the deepest importance to the whole country, and he considered the Ministry culpable in not adopting some measure on the subject during the Session. The accommodation for the reception of convicts was as follows:—

In Spike Island	1,300	say 2,000
Smithfield	300	
Newgate	250	
Richmond	250	
Kilmainham	100	
New Prison, Circular-road	500	

He had shown that 7,056 persons sentenced to transportation had been accumulated in the Irish gaols, and it was therefore absurd to suppose that home depôts could be provided. They must look abroad; and he felt no doubt they could be placed in some of our colonies with advantage, and without offending the interests or prejudices of the colonists, as was done lately at the Cape. Had these convicts been placed on the frontiers as military posts, no difficulties would have arisen at the Cape; but because they were thrust among a population jealous of their moral contagion, the colonists objected, and the Government were forced to yield. But are there no other colonies? Are there not American, where convicts might be most usefully employed instead of being left to breed contagion in crowded gaols, and remain a heavy expense to our overburdened population. He was aware he would be told that the Government had lately placed 98,000*l.* 16*s.* 11*d.*, the expenses of the Irish constabulary on the Consolidated Fund. What was this amount? 250,000*l.*? The whole expenses of the constabulary was about 560,000*l.*, and one-half of this had never been paid out of the county cess. Sir Robert Peel had transferred the other half to the Consolidated Fund; but at the time he stated it was an equivalent for the loss Ireland would suffer by free trade; thus it could not be considered an equivalent for the remission to her local taxation, which England gave to herself, neither was it, as stated by the late right hon. Member for Tamworth, an equivalent for free trade. Why, in Ireland there was no free trade. The assertion is a delusion. Free trade you had in any article that might tend to the advantage of the cotton spinners in Manchester; but free trade for the benefit of the agriculturist you decidedly have not. Having destroyed our manufactures by the strictest protection for your own, by a duty at one time of 60 per cent on ours, you now continue not only a duty on the productions of our land, but you actually prevent our cultivating it to the best advantage. You neither allow us to cultivate tobacco nor beet-root sugar, and then have the hardihood to come here and talk of free trade. He felt he had trespassed too long, at this late hour, on the patience of the House, and yet he had by no means entered as fully into this subject as its importance demands. Indeed, he felt that at this moment it would be impossible to do so; and having now, as he hoped, called the attention of Irish Members and the country to the subject, he should conclude by stating that the next Session he should ask for a Committee, to examine and report on the financial relations between England and Ireland.

The CHANCELLOR of the EXCHEQUER said, he would not follow the hon. and gallant Member into the wide subject he had opened, but would merely refer to one document, an account of the expenditure of last year in England and in Ireland for the poor and for county purposes. In England the sum charged on the Consolidated Fund, and formerly paid out of the county rates was 258,000*l.*, and the charge for the poor-law 138,000*l.*, making a total of 396,000*l.* In Ireland the charge on the Consolidated Fund for constabulary was 574,000*l.*, and for convicts 17,000*l.*, making a total of 591,000*l.*, which gave an excess of expenditure of about 200,000*l.* for Ireland over England in the amount paid by the Consolidated Fund. Ireland had no reason to complain on that ground, at all events.

Mr. G. A. HAMILTON objected to the right hon. Gentleman's comparison. It was unfair to take the whole of the charge for the constabulary.

Resolution agreed to.

MUNICIPAL CORPORATIONS (IRELAND) (No. 2) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. REYNOLDS objected to proceeding at such an hour with so important a measure. If the Motion was persisted in, he would move the adjournment of the House.

Sir W. SOMERVILLE said, it would be impossible to get through the public business if such objections were taken to the progress of Bills late at night in that period of the Session.

Mr. REYNOLDS would move the adjournment of the House, The Bill had been brought in without any communication with the ratepayers of Dublin, whom it would very seriously affect; or with him, who was the representative and the Lord Mayor of that city.

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 4; Noes 69: Majority 65.

Mr. REYNOLDS said, that on the second reading of a Bill a statement of its provisions ought to be made.

Sir G. GREY said, his hon. and learned Friend the Solicitor General for Ireland was ready to go on with the discussion, but the right hon. Gentleman the Lord Mayor of Dublin was not, and had moved the adjournment of the House.

Mr. REYNOLDS was not ready to proceed with such a discussion at such an hour.

Mr. HATCHELL said, the enacting part of the Bill consisted of only ten lines. It was introduced to explain a doubt respecting the Bill of last year.

Mr. AGLIONBY said, that the Bill had been brought in in accordance with the intentions of the Committee to which the former Bill had been referred.

Sir W. SOMERVILLE said, that a doubt existed upon the point, which this Bill was intended to set right, and there was no question that it would prevent a great deal of litigation and expense. To permit large numbers of persons to vote in Dublin without paying taxes, would be an abolition of the compromise come to last year. He therefore hoped that the House would permit the Bill to be read a second time.

Main Question put, and agreed to.

Bill read 2°, and committed for Thursday, at Twelve o'clock.

The House adjourned at a Quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, July 31, 1850.

SUNDAY TRADING PREVENTION BILL.

Order for Committee read.

Mr. ALCOCK moved, that the House go into Committee on this Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. C. ANSTEY should move as an Amendment, that the House go into Committee upon that day three months. He denied that the Bill would effect its object, even in the metropolis; and he strongly objected to confining its provisions, supposing it to be an effective Bill, to the metropolis—drawing a line, in fact, round London, and saying, "Here, up to this point, you must observe the Sabbath, but beyond that point you are at liberty to break it." The Bill was neither more nor less than a piece of undigested nonsense. It was all very well to say that the small tradesmen desired the Bill; but the fact was that they were the worst enemies of the poor, for it would always be found that when a battle of classes commenced, it was the class immediately above the lower which tyrannised most. He objected to the Bill also as an oppression of the Jew by the Christian. He believed that much of the favour with which the Bill was viewed by certain tradesmen, was owing to a jealousy of the Jews who were in the same line of business as themselves, and who, having kept their own Sabbath, did not of course feel it necessary to keep the Sunday also. But he objected to the Bill most of all because it was a war of the rich against the pleasures, enjoyments, and conveniences of the poor. The tendency of the measure was to oppress the poor, and to let the rich escape untouched. If the Bill should get through Committee, he gave the House fair warning that on the bringing up of the report he would move a series of Amendments, conceived in an opposite spirit, and directed against the running of private carriages, and the employment of domestic servants on the Sunday. He did not intend to do this for the sake of obstruction, but for the purpose of producing a reaction. He might be deemed tedious in his arguments, but for that he did not care; for if by his tediousness he defeated the measure, he cared not by what term it was designated. He warned the House that if they passed this unjust, wicked, absurd, and disgusting Bill, they would stink in the nostrils of the public; and that when the franchise was extended, as he hoped it would be next year, the people would execute summary vengeance against those who had been the means of oppressing them. He trusted that the House would not sanction a measure which might accord with the convictions of a few sincere zealots, but which would tend chiefly to the gratification of a vast body of hypocrites.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee,"—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. TRELAWNY seconded the Motion.

Sir G. GREY said, that the preliminary question as to the principle of this Bill was practically decided last Wednesday, when it was read a second time by a majority of 101 to 22. He did not see the propriety of the hon. and learned Member for Youghal detaining them at such length at this stage with a discussion of the details of the Bill, because it was clear that by pursuing that course they could make no progress with the Bill. If the hon. and learned Gentleman insisted upon taking the sense of the House again upon the subject, he had better divide the House at once. With respect to the Bill, he begged to say that he had been waited upon by several deputations of tradesmen, earnestly pressing upon him the importance of the measure. He certainly was not disposed to take the Bill into his own hands, being well aware by past experience of the facilities which existed for obstructing a measure of this kind on the part of Members opposed to it. It was true that the Bill, considered with regard to its details, did not rest upon any clearly defined principle; but, at the same time, he believed that, if passed, it would accomplish great practical good, and go far to remedy a great and crying evil. He had already given his opinion in favour of the Bill by voting for the second reading, and he was willing to give a fair considertion to every *bonâ fide* Amendment that might be made in Committee.

Colonel THOMPSON wished to correct an idea which had forth among some of his friends, that he supported this measure with a view to a reaction. Now, he had expressed no such opinion. On the contrary, he approved of it, as being in its nature a permissive Bill, and not a prohibitory; and he did not believe it would lead to a reaction. So far from that, he thought, if properly conducted, it would be a peace-offering. There were two strong parties in the country, each strongly addicted to its own opinion; and it was the duty of a prudent man to endeavour to make some composition between them. Nobody would suspect him of the Sabbatarian heresy. He did not doubt but that the cloven foot of that heresy might be traced among the supporters of the Bill; and it was because he was aware of this, that he was anxious to secure the introduction of such provisions as would insure the just liberties of the public. He thought this could be done most effectually by the friends of religious liberty joining in the endeavour to extend the exemptions in the Bill, rather than going to the bottom in a barren minority.

MR. HUME supported the Amendment. The people were not to be made religious by Act of Parliament; and the only effect of this measure, if it was passed, would be to operate as oppressive and coercive upon the poorer classes of the community, without making one single person more go to church. The days of penalty for opinion were gone, and, if this Bill injured the interests of but one man in a hundred, it ought to be rejected. If the Government thought such a measure expedient, the Government ought to have brought one forward, whereas here, upon a question closely affecting that religious liberty of the subject, as advocates of which the Whig Ministry had risen to power, there was only one Member of the Government present.

MR. TRELAWNY opposed the Bill. He entertained many objections to it; looking at it as being the offspring of shortsighted religious bigotry, and thinking that it was opposed to the general course of popular progress. He objected to a sour and sectarian observance of the Sunday, and would have no objection to see museums and similar places of recreation open to the people upon that day.

MR. SPOONER said, the object of the Bill was to relieve thousands of persons in the humbler ranks from the severe competition to which they were now exposed on the Sahbath, and to enable them to avail themselevs of the high privilege of enjoying that day in the manner dictated by their religious feelings.

MR. T. S. DUNCOMBE wished to know who was responsible for this Bill, which the right hon. Gentleman the Secretary of State for the Home Department had repudiated: who was the father of the Bill, who was the godfather of the Bill? Where was the hon. Member for Ashton-under-Lyne? It was said he was in Jerusalem. The hon. Gentleman the Member for East Surrey, who had moved that the House go into Committee on the Bill, had not said a word as to the position in which he stood with regard to the measure; and the hon. Gentleman who had moved the second reading of the Bill was not now a Member of the House. It was said that the working classes demanded this Bill; why, the working classes knew nothing about it, and would know nothing about it, until, if it passed, they found the shops closed at which, heretofore, on Sunday mornings, they had made the purchases they had no other time for making. As to the petition said to have emanated from the operative classes in support of the Bill, they had been worked up, under false pretences, by the canting hypocrites of Exeter-hall—gentlemen who set up to be by no means as other men, but who were, at the very utmost, no honester, or better, or straightforward than other men; with no fewer carnal infirmities, not a bit more moral in any way; who lifted up their eyes and invoked the blessing of God on their operations one day, and the next, if it so suited them, betrayed the cause on which they had invoked that blessing without the smallest ceremony. The public had already had more than enough of Exeter-hall in their cant on the Post Office Sunday arrangements; and this Bill was eminently calculated to aggravate the public disgust. It was to be admitted that the measure was not so flagrantly bad, so malignant, as previous measures on the subject; but he knew the sort of men by whom it was brought forward. Once let them get the bigotry-wedge in, and be sure they'd lose no more time than they could help in driving it home. The best security for the proper observance of the Sabbath by the humbler classes, was the kindly development of their own good feelings, and the example to good of those above them in life.

MR. B. WALL said, that this Bill affected the interests of many thousands, and indeed millions, of the people, and some 12,000 or 13,000 inhabitants of the metropolis had petitioned against it, and yet the House had been told that, because they were within ten days of the prorogation of Parliament, they ought to assent to it; and that, because its principle had been discussed on the second reading, independent Members were not now to debate that principle. That was a dictum to which he certainly would not succumb. He considered that this was not a practical measure. Mr. Elliott, the police magistrate, had stated in his evidence before the Committee, that, speaking as a lawyer, he thought the Bill was not technically drawn, and that he did not think it would work in its present form. There was a clause in the Bill relating to the sale of beer, and he (Mr. Wall) wished to put a question to the hon. and learned Attorney General on that subject. He believed that all beer sold without a licence was illegally sold; but there were many small shops in the metropolis where table beer was sold at 1½*d.* a quart without any licence; and that beer, he understood, was very extensively consumed by the working classes. But the clause to which he referred, would, he believed, prevent those classes from obtaining this less intoxicating liquor than was sold at public-houses, by preventing the tradesmen's shops from being open on Sunday at the time public-houses and beershops were open. There were, however, conflicting opinions on the point, and he hoped the hon. and learned Attorney General would state whether table beer could be sold without a licence, and, if so, whether that liquor should not be exempted from the operation of the Bill, as ginger beer and other refreshing beverages would be. He thought the right hon. Baronet the Home Secretary, or the law officers of the Crown, would do well to apply themselves to the preparation of a measure repealing the obsolete laws relating to Sunday trading, and so placing the law on this subject upon a footing more satisfactory to the public than it now was. There were undoubtedly very great difficulties in carrying out the Act of Charles II.; but it must not be supposed that that Act was entirely a dead letter, for it was stated that in the course of eighteen months nearly 150 convictions had taken place under that statute in different parts of the country. The state of the law on this subject was at present unsatisfactory, and would be rendered still more so if this Bill received the assent of the Legislature. The poor man was now liable to be "pulled up" for the non-observance of the Sunday under any one of three Acts, namely, the Act of Charles II., the Police Act, and the statute known as Michael Angelo Taylor's Act. He objected to this Bill, because it would impose cumulative penalties, extending to a sum of considerable amount, which the poor man would not be able to pay. He was himself most anxious for the decent, proper, and spiritual observance of the Sunday; but he thought when the Government endeavoured to promote a rigid observance of that day, they ought to act with consistency. Now, on the Sunday, all the boats on the Serpentine were locked up by the directions of the Chief Commissioner of Woods and Forests; but any one who visited the park on that day might purchase nuts, oranges, ginger beer, or lollypops, at a stall which was open under the authority of the noble Lord. If the supporters of this Bill were consistent Sabbatarians, how, he would ask, could they read the Monday's newspaper, which had been in a great measure prepared and printed on the Sunday? And how, too, could a consistent Sabbatarian accept an invitation to dinner for a Monday, seeing that many of the *entrées* must have been prepared on Sunday? When this Bill was last under discussion, the right hon. Baronet the Member for Ripon had expressed himself in favour of the second reading of it, and had said that a Mr. Hayman, who had been examined before the Lords' Committee, stated that he could bring forward a witness who had taken between 300*l.* and 400*l.* on the Sunday for the sale of clothes. Now, Mr. Hayman said, in his evidence before a Committee of the House of Commons, that the person to whom he alluded had one Whit-Sunday taken as much as 120*l.*; and before the Committee of the House of Lords, he stated that the same person had on another Whit-Sunday taken from 300*l.* to 400*l.* But he submitted that that was a very loose mode of taking evidence, and it was well known that such testimony would not be received in any court of law. He relied upon the evidence given before the Committee by Mr. Mayne, the commissioner of police, and by Mr. Elliott, the magistrate, both of whom expressed opinions opposed to this measure, and concurred in stating that the evils complained of were local and not general evils, and that the existing law was sufficient to put them down. He called upon the House, then, at least to postpone the consideration of this Bill.

Mr. ALCOCK regretted that the hon. Gentleman who had taken charge of the Bill in that House had resigned his seat, and was consequently unable to defend its provisions. The supporters of the Bill had been denounced as actuated by a Sabbatarian, a puritanical, and a hypocritical spirit, and on that subject somewhat hard words had been used. He could only say, for himself, that he was actuated by no such feelings. He supported the Bill, because he thought it necessary that some means should be taken to protect the respectable tradesmen in different parts of the metropolis, who suffered from the present system of Sunday trading. So far from the Bill being of a stringent character, the provisions proposed were of the most mild and moderate character.

The Earl of ARUNDEL and SURREY said, that his views respecting the observance of the Sunday differed very materially from those entertained by a great majority of Members of that House, and also by the great majority of those for whom Parliament legislated. He did not regard the observance of the Sunday as commanded by Divine authority. He regarded the observance of Sunday, and of other holydays, as a precept of the Church. He regarded those holydays, as set aside by the precept of the Church, to be as strictly observed as the Sunday; and he considered that the Church had the power, if it thought fit so to do, to alter the observance of the Sunday to Tuesday, Wednesday, or any other day of the week. If the observance of the Sunday were established by Divine authority, the Church would have no power to make such an alteration. In Rome, in Sardinia, and in many of the German Catholic States, the shops were as generally closed on the Sunday as they were in any part of London; while in some of the German Protestant States, the shops were as generally open on that day as they were in Paris. He could not sympathise, on the one hand, with those who wished to have the Sunday desecrated, as he considered; or, on the other hand, with those who desired to have it observed with a rigidness he thought unnecessary, and therefore he would not vote upon the principle of this measure.

Mr. S. CRAWFORD said, as it was impossible the Bill could be passed this Session, he thought they were wasting time in discussing it, and moved that the debate be adjourned.

Motion made, and Question put, "That the debate be now adjourned."

Mr. C. ANSTEY wished to say, that he had received communications from the proprietors of several first-rate weekly newspapers, stating that the Bill would have a most injurious effect upon their interests.

Mr. W. J. FOX thought it would be singularly inexpedient, while these parties were suffering severely by the new postal regulation, to follow that up by another measure injuriously affecting their interests. They were useful to the public in communicating early information.

Lord D. STUART believed that the present measure might be made one of a very useful character, and knew that some such measure was wished for by a large portion of the inhabitants of this metropolis. Not only tradesmen, but a great many journeymen and working men, had petitioned for it. But he must say, it ought to be taken up by the Government, and not left to a private Member. He regretted the opposition which had been offered to the Bill by his hon. and tedious Friend opposite. ["Oh!"] He had a right to call his hon. and learned Friend tedious, and that without meaning any discourtesy, because his hon. and learned Friend was tedious, and said he was tedious, and that he had endeavoured to be tedious. Having said so much, he (Lord D. Stuart) was bound in justice to add, that his hon. and learned Friend had perfectly succeeded in his attempt, and he might be congratulated upon his success. If hon. Gentlemen were determined, at this period of the Session, to obstruct the measure, it was to be feared it would be of no use to press it; but if they would meet the supporters of the Bill in a candid spirit, and go into Committee, there was ample time to deal with it, after the great consideration the subject had received.

The House divided:—Ayes 36; Noes 71: Majority 35.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. ALCOCK then intimated that he would not press the Bill further this Session.

Mr. THORNELY believed that, if the practice of paying wages on a Friday were to be adopted, so as to give the Saturday for marketing, the necessity for any legislation upon the subject would be avoided.

Mr. G. THOMPSON protested against the spirit in which the opposition to the Bill was conducted, and the wanton attack upon the feelings of a very large portion of the community. He must deny that the hon. and learned Gentleman opposite (the Member for Youghal) had the slightest pretension to claim to be the mouthpiece of the working classes. He must deny also that any among them, save the dissolute and irreligious, were against the Bill; indeed, he had never come in contact with a decent working man who had communicated to him any solid objection to it. It was not, in that House, placed upon religious grounds, but was brought forward as a Bill for diminishing unnecessary trading on Sunday, and putting an end to abuses which brought discomfort and irregularity into many families. He knew that persons who had a reverential regard for the Sabbath had made considerable sacrifices of their feelings in putting forward a measure solely for the decent regulation of trading on Sunday; and he thought the Bill was entitled to respectful treatment. He was sorry to find that the Bill was to be withdrawn; he should have preferred seeing the whole responsibility of its not being passed thrown upon those who had set themselves up as its opponents.

Lord R. GROSVENOR begged to join in the protest against the hon. Members for Salisbury and Youghal having any claim to be considered as the exponents of the views of the working classes. He (Lord R. Grosvenor) had attended a meeting of the working classes, where, after speeches on both sides, there was a division, and it was five to one in favour of the Bill.

Mr. W. J. FOX would ask why, if the working classes were so much in favour of the Bill, they had given so much occasion for its introduction? As for those persons who pleaded conscience, why did they not observe the day? Surely the salvation of their souls was worth the sacrifice of the day's profit. Did men want to "serve God and mammon?" But, as in the instance of the Post Office, the convenience of the many was to give way to a plea for the few. Generally speaking, there was in this metropolis a very becoming observance of the Sabbath; and, if there were two or three districts in which it was otherwise, such outlets might be necessary in the condition of society; and at any rate calm inquiry into the causes should precede this rough attempt to put down the scenes occurring there. The law was very stringent already. At a police court, a short time since, a man was fined 40*s.* and costs for serving on Sunday, he having supplied a bottle of beer to a woman, who took it home quietly to her family; while at the same court, on the same morning, another, who was convinced of using false weights, by which he had cheated his poor customers of several ounces in the pound, was fined but half the amount—20*s.* and costs.

Mr. HEALD expressed his belief, that it was impossible to make a people religious by means of legislation, but that public feeling was strongly against Sunday trading.

Mr. C. ANSTEY vindicated himself from the imputation that he ever said the subject was one for legislation, or ought to be taken up by the Government. He was opposed to any legislation at all in the matter; but he had said that if there was anything good in the present Bill, Government ought to take it up. He believed they must leave the question of Sunday trading to be dealt with by public opinion and the religious feeling of the country.

Sir G. GREY thought the hon. Member for East Surrey had exercised a wise discretion in consenting to withdraw the Bill. He was by no means sorry it had been introduced, as the discussion which had taken place could not fail to be of benefit; and if the suggestion of the hon. Member for Wolverhampton, that the men should be paid their wages on Friday instead of on Saturday night, was carried into effect, it would greatly conduce not only to the observance of the Sunday, but to the comfort, welfare, and happiness, of the working classes. [The right hon. Baronet then read a letter from a gentleman employing a large number of workpeople in the metropolis, in which he described the advantages of paying his men their wages on Friday night, and the evils of the present system.] The working man rarely received his wages till after six o'clock on Saturday; he knew he would not have to rise at five o'clock next morning, and went off to an alehouse, where he left 2*s.* or 3*s.* of his wages. On his return at ten or eleven o'clock at night, it was too late to get those things which his family required, and hence arose the whole system of Sunday trading. The payment of wages on Friday prevented these evils. The workman had to go home in order to rise in time, and the instances were rare in which he neglected to make his appearance at the usual hour on Saturday morning, particularly if there was a penalty of dismissal. He hoped this suggestion would not be thrown away.

Amendment and Motion, by leave, withdrawn.

Committee put off for three months.

LANDLORD AND TENANT (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question put, "That the Bill be now read a Second Time."

MR. S. CRAWFORD moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. R. FOX said, that he arose to resume an old debate. His hon. Friend the Member for Rochdale had moved that this Bill be read a second time that day three months. He (Mr. Fox) implored the House to assent to the proposition for throwing out this Bill. He begged to inform the House that this Bill was a mutilated abstract of the original Landlord and Tenant Bill of his right hon. Friend the Chief Secretary for Ireland, of which it contained the five clauses in favour of the landlords, whereas all the clauses in favour of the tenants were cut out of this professing Landlord and Tenant Bill. Now, these clauses might possibly contain something useful, which, however, he denied altogether, either as regarded landlords or tenants; but he would not consent to discuss them now. There was at this moment violent political excitement in Ireland on the subject of the relations between landlord and tenant, and the House of Commons could not avoid considering that subject amongst the earliest of their duties next Session. The proper course would be, if there were any weight in the Bill now before the House, to discuss all this subject early next Session. The tenantry of Ireland had been promised a settlement of their claims during this Session. None had been given to them, and he implored the House and the Government not to send over to the people of Ireland this landlord Bill as the only result of their deliberations upon their unhappy position, at a time when all parties were raising a loud outcry for the full and complete settlement of the relations of landlord and tenant.

MR. HUME thought that if the Government intended to bring the whole question before the House next Session, such partial legislation as this Bill contained would be useless. Nothing, in his opinion, could be more injurious than constant legislation, and the Government ought really to state what they intended to do with respect to the Bill before the House.

SIR G. GREY said, that without pledging himself to all the details of the Bill, his right hon. Friend the Secretary for Ireland had already stated his opinion that the House ought to take the second reading, and that there were several of the clauses calulated to be of considerable benefit. In that opinion he entirely agreed. No one could doubt that the frequent carrying off of crops at night and on Sunday, and the conflicts which ensued between the police and the people, were very serious evils, and it was desirable for the benefit of all classes that some provision should take place on the subject. He should vote, therefore, for the second reading, as some of the clauses were valuable, but was by no means prepared to give his assent to the Bill as a whole.

MR. DICKSON considered that some measure was imperatively called for, in order to prevent the cutting and carrying off crops at night and upon Sundays by the tenants.

SIR H. W. BARRON called on the House to consider well before they rejected a measure which, in effect, assimilated the law of the two countries. Every material clause was intended to do justice between landlord and tenant. Was it unjust, for instance, to enable a landlord to bring an ejectment against a tenant who owed him a year's rent? Well, it could not be done under the present state of the law, and the Bill sought to remedy so great an injustice. Another clause was intended to meet a state of things which could not be understood in this country. When a landlord had got possession of his land from a tenant, after an expensive law process, it often happened that the tenant returned immediately, and by force or fraud got into possession of the land again. As the law stood, there was so much confusion and injustice about it, that the landlord was obliged to allow the man to remain in possession till he had brought another ejectment. Could any one say that the clause which enabled the landlord by a simplified process, and without going into law courts at great expense, to recover his land under such circumstances, a great amendment of the law and an act of injustice? As a landlord and magistrate, he knew, and was convinced, that in nine cases out of ten between landlord and tenant, the landlord was the party aggrieved. Of his own knowledge he asserted there was more injustice, usury, injury, wrong, and violation of the law, committed upon the landlords of Ireland, than upon any class of Her Majesty's subjects. The grossest injustice and tyranny was committed against them, and the whole bearing of persons in authority in Ireland was against the landlord, and in favour of the lower orders. He knew hundreds of cases where people who owed six and seven years' rent held possession of their land, removed their crops as they pleased, and bade defiance to their landlords. Would any man of common honesty demoralise the people by protecting such proceedings? Would any man in that House, by denouncing the landlords, give a cover to persons to commit acts of fraud and dishonesty in the performance of contracts with their landlords? It was a favourite subject with some hon. Members who had met with one or two cases of injustice and tyranny on the part of landlords, in the blue books, to inveigh against all the landlords, and to take those cases as examples of the habits of the whole class. He would challenge the persons who made such accusations against the Irish landlords, and he would leave the whole question to be decided by twelve or fifteen respectable English Members, and if he could not prove that in nine cases out of ten the landlords were the aggrieved and injured parties, he would never make the statement again. They were kept out of their rents and out of their lands—he did not say by the whole, but by a large part of their tenantry. He would ask the opponents of Sunday trading, would they encourage the present system of fraud and dishonesty? Any one who voted against this Bill was a direct supporter of a system which enabled the tenant to cheat his landlord by cutting and removing his crops by night and on a Sunday. The practice had taken place extensively in Ireland, conflicts had ensued between the people and the police in consequence, and lives had been lost and blood shed on several occasions. He hoped the House would consent to a Bill which would remedy such serious evils.

Mr. REYNOLDS said, that the citizens of Waterford had great reason to congratulate themselves upon having secured the services in Parliament of the hon. Baronet who had last addressed them, and who took upon himself to assert in that House that the great mass of the tenantry of Ireland were robbers, cheats, and swindlers.

Sir H. W. BARRON: That is false.

Mr. SPEAKER: The phrase which the hon. Baronet has used is unparliamentary, and I must call upon him to retract it.

Sir H. W. BARRON: Then I say it is untrue.

Mr. SPEAKER: But does the hon. Member retract it?

Sir H. W. BARRON: As the phrase is held to be unparliamentary, and as you, Sir, say that it ought to be retracted, I obey your orders.

Mr. REYNOLDS said, it was by no means an unusual thing for hon. Members in that House to use strong negatives, and frequently to express them in unparliamentary language, while, as they were immediately obliged to withdraw those phrases, there was no danger attaching to such a course of conduct. On the present occasion the hon. Baronet had used expressions which he was compelled to withdraw; but using such language in that House was not the same thing as using it out of doors. The hon. Baronet had stated that any one who voted against going into Committee or reading a second time the Bill then before them, would, in effect, sanction a system of fraud and swindling. Without intending to quote the language of Scripture irreverently, or to impute any intentional misrepresentation to the hon. Baronet, he would say that he had borne "false witness against" the country. The hon. Baronet, moreover, said that the landlords of Ireland were the most maligned, the most calumniated people in the whole country; and the hon. Gentleman then went on to say that on that question he was willing to appeal to the decision of twelve English gentlemen; from whom he (Mr. Reynolds) very much doubted that the hon. Baronet would receive a favourable verdict. He certainly could not reckon upon the support of such a gentleman as the Rev. Mr. Sidney Godolphin Osborne, an English Protestant clergyman, whose writings with regard to the state of Ireland had excited and merited the warmest gratitude of the unfortunate people of that country. For what Mr. Osborne had done, he (Mr. Reynolds) could not help exclaiming, "God bless him!" His humanity and benevolence were deserving of all praise. He had spoken the words of truth and justice, and, committing them to the press, had sent them not only to the furthest corners of the united kingdom, but to every land in which the English language was understood. On the statements, then, which Mr. Osborne and other witnesses had made, he would say that the people of Ireland ought not to be interfered with as to the times at which they might cut or gather in or remove their crops; and he did not hesitate to say that to resist them in that respect was an audacious, an insulting, and an Algerine proceeding. Such a measure could only have emanated from landlords of the class which Mr. Osborne described and denounced. Let Gentlemen only look at the roofless houses, the destitute people of Ireland, and then they would see the effect of landlordism as it exhibited itself in that country. As to the poor-law, he believed it was to a certain extent the salvation of Ireland, and but for its operation there would have been much more to complain of. He had recently travelled ten Irish miles, in the course of which journey he did not see one house with a roof on it, one field that was not open to the public—he did not see one man, woman, or child, or even a beast; and he could not help then exclaiming, that if ever there was a body of men who deserved to be visited with Divine vengeance, that body was the landlords of Ireland. It was time, then, that some stop should be put to their progress. More than 100 Acts of Parliament had been passed for the promotion of their interest. It was time that something should be done for the protection of the tenantry, and it was now, in the year 1850, that that enlightened legislator the hon. Member for the city of Waterford walked into that House and told them that the landlords were compelled to seek for protection. For his part, he should say that, though among the landlord class in Ireland, there were many honourable exceptions to the general rule; yet, as a body, he held that they deserved to perish. He desired only to add, that if in the course of that debate he had used any discourteous phrase or intemperate language, no one would regret anything of the sort more than he should; but he could not sit down without cautioning the Government not to listen to those who seemed inclined to "bear false witness against" the country.

Mr. W. BARRON denied that he had brought any wholesale accusations against the tenantry of Ireland. What he said was that, in nine cases out of ten, in disputes between landlord and tenant, the landlord was the injured party; and that he would leave to the judgment of any competent tribunal. He never knew any case come before a court of justice in which it was not manifest that the landlord was the aggrieved party.

Mr. G. A. HAMILTON said, he was willing to except the two clauses to which the right hon. Baronet the Home Secretary objected, and merely to retain that part of the Bill which made it penal fraudulently to cut or remove crops on a Sunday, together with such other portions of the Bill as might be necessary for giving effect to that.

Colonel RAWDON was glad to hear what had fallen from his hon. and learned Friend, because it obviated to a great extent his objection to the measure. He believed some legislation on the subject was necessary, but at the same time could not help adverting to the singular title of the Bill. It was entitled an Act "to improve the relations of landlord and tenant;" but there was not a single clause in the Bill with reference to the improvement of the tenant. The whole object of it was to give more power to the landlord, and he thought it ought to be entitled "a Bill for the most speedy and effectual recovery of rent in Ireland."

Mr. C. ANSTEY said, the measure was to all intents and purposes a landlords' Bill. Was this a time for passing such additional restrictions upon the people of Ireland? The attention of the people of that country had been drawn to the Bill; with one voice they denounced it, and that voice would now be more loudly heard but that they thought there was little probability of the measure being carried through Parliament at the present period of the Session. He conceived that the Legislature was not entitled thus to interfere with the rights of property. The crop was the property of the tenant, and Parliament ought not to restrict him as to the times of cutting or removing that crop. Moreover, in the north, if not in the other parts of Ireland, the tenantry were not, and ought not to be anywhere, at the mercy of the landlords. The tenant-right existed in Ulster, and was as genuine a right as any that the landlord possessed. In the name, then, of those rights and interests—in the name of equity—in the name of pacification, he called on them not to adopt such a measure. It gave the landlord a lien over the crops of a tenacity which he never before possessed; and it deprived the small holder, when he happened to be a labouring man, of the privilege of dealing with his crops between sunset and sunrise, the only opportunity a labourer could possess.

MAJOR BLACKALL said, that any person who knew Ireland must be aware that if they expected peace in that country they must give a power to the landlord to prevent the fraudulent taking away of crops—a practice that had led last year to much misery.

COLONEL CHATTERTON said, he should not detain the House many minutes, but he wished to express his anxiety for the adoption of the clauses No. 6 and 7 of this Bill being enacted, and to corroborate what had fallen from his hon. Friend the Member for the city of Waterford. In his opinion these clauses were essentially necessary for the preservation of tranquillity in Ireland. He would only state one case which occurred in his own immediate neighbourhood, where life had been lost for want of this Bill. A large party of persons assembled upon a Sunday morning, and being accompanied by a number of carts and horses proceeded to take possession of a quantity of corn and other produce, under distress for rent. Unfortunately a collision took place between the peasantry and the police: one man was killed, and several severely wounded. The magistrate in attendance was insulted, and the riot consequent was not quelled without great difficulties, after the arrival of the military and more bloodshed. Even this single occurrence, he thought, proved the necessity of an enactment to preserve life and property.

MR. P. SCROPE was against any plan for increasing the power of the landlords, and he regretted to observe that, notwithstanding all that was said, nothing was done for improving the condition of the tenantry. The right hon. Gentleman the Home Secretary was anxious that the same law should exist in England as in Ireland; but what would be said if the farmers of England were forbidden to cut their crops between sunset and sunrise?

SIR G. GREY said, the law would not prevent the farmers of Ireland from cutting their crops, but would only prevent them from carrying them away at night.

MR. P. SCROPE: Well, it might be a good clause, but when the Government professed in the Queen's Speech to legislate on a large and comprehensive scale for the benefit of both landland and tenant in Ireland, he certainly considered that the postponing of any general measure in favour of the tenant, as well as the landlord, was not keeping faith with the people of that country.

MR. TORRENS M'CULLAGH thought it impossible to discuss the question during the present sitting; he therefore moved that the debate be adjourned.

MR. A. G. HAMILTON hoped the hon. Gentleman would not persist in his Motion.

MR. S. CRAWFORD was opposed to the penal clause, which would subject tenants to the proceedings of informers if they worked in their fields after sunset. He would recommend the hon. Member to withdraw the Bill.

COLONEL RAWDON thought it very inconsistent to proceed with the second reading of a Bill several important clauses of which had been withdrawn.

MR. G. A. HAMILTON said, the Bill had come down from the House of Lords, and the alterations which might be made in it could not be made until it went into Committee; it was therefore necessary to read the Bill a second time.

Debate adjourned till To-morrow.

COUNTY COURTS EXTENSION BILL.

MR. FITZROY moved that the Lords' Amendments to this Bill be agreed to. One of those Amendments he certainly regretted—namely, that which gave to the superior courts a concurrent jurisdiction with the county courts over actions for sums above 20*l.*; but, finding the opinion of the country to be in favour of the Bill, even with that provision in it, he was disposed at this period of the Session, rather than risk the passing of the Bill altogether, to consent to take it with that Amendment, accompanying his acceptance, however, with a strong protest against the clause, and reserving to himself a full right at a subsequent period to move that the Bill be restored to its original shape, if it should be found that the alterations made by the Lords did not work beneficially for the people.

Lords' Amendments considered.

Several Amendments agreed to.

Other Amendments agreed to, with Amendments.

Other Amendments disagreed to.

Committee appointed, "to draw up Reasons to be offered to The Lords at a Conference."

INSPECTION OF COAL MINES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir G. GREY in moving the Second Reading of the Bill said, he had had communication with various parties connected with coal mines, and had received from them suggestions which he was perfectly ready to insert in the Bill, which it was known to the House had originated in the House of Lords, where there were many large coal-mine proprietors.

Mr. FORSTER hoped the right hon. Baronet would not press the second reading at that late hour (a quarter to six o'clock).

Mr. HUME said, the measure was one of great importance, and every suggestion would be fully attended to in Committee. He hoped his hon. Friend would give way, as assenting to that stage of the Bill was merely saying that some steps should be taken to put a stop to those lamentable accidents. The subject would receive the fullest attention in Committee.

Colonel SIBTHORP opposed the Bill, on the ground that it would lead to the appointment of a number of officers with large salaries.

Mr. WYLD hoped the right hon. Gentleman the Home Secretary would press the Bill. It had received the approbation of the large body of the miners of this country.

Mr. ALEXANDER HASTIE said, the Bill had passed the other House without discussion; it was, therefore, of essential consequence that it should receive the most full and calm consideration in that House. He should oppose their proceeding with it.

Sir G. GREY said, that it had undergone a long discussion in the other House, and had there met with the approval of many of the largest coal proprietors.

Mr. WAWN said, the right hon. Baronet had not given a single reason why they should proceed with that Bill; he should therefore move that the debate be adjourned.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 15; Noes 54: Majority 39.

And it being Six of the clock, Mr. Speaker adjourned the House till To-morrow, without putting the Question.

HOUSE OF LORDS,

Thursday, August 1, 1850.

Minutes.] A Conference. Parliamentary Voters (Ireland) Bill.

1^a Administration of Justice in Court of Chancery Acts Continuance; Engines for taking Fish (Ireland).

Reported.—General Board of Health (No. 2); Small Tenements Rating.

3^a Court of Chancery (Ireland); Canterbury Settlement Lands.

THE POST OFFICE—MONEY ORDER DEPARTMENT.

The Earl of ST. GERMANS wished to put some questions to the noble Marquess the Postmaster General, respecting the salaries paid to the clerks in the Money Order Office in the Post Office. It appeared that the clerks in that office were divided into several classes, according to the length of their service, whether seven, ten, or fifteen years, and that the highest of these classes received salaries of from 250*l.* to 300*l.* a year, the second class of from 200*l.* to 240*l.*, the third from 80*l.* to 130*l.* There was a fourth called the probationary class, which received 70*l.* or under, a year. The salaries paid to persons holding offices of similar trust in mercantile establishments or public companies were generally much higher. It was too much to expect that a person should be satisfied who was to receive only the highest of these salaries after being forty years in the public service. How could they expect young men to keep up a respectable appearance and maintain themselves on salaries of 70*l.* a year? It was notorious that a great number of these clerks were driven by necessity to resort to the Insolvent Debtors Court for relief, and the Commissioners had often expressed their surprise at the smallness of the salaries paid. It was understood that a sum of 16,000,000*l.* a year passed through the Money Order Department of the Post Office, which had now in effect become a banking establishment of great importance, and it required men of great application and intelligence duly to perform the duties entrusted to them. He would not say anything as to the risk incurred by paying such inadequate salaries, but he would observe that he was satisfied no course was so impolitic as under-paying public servants. He hoped the noble Marquess would not say it was impossible to increase the salaries in this department of the Post Office, because the Office was not in itself remunerative; but if he did, he (Earl St. Germans) did not think that it would be considered as a valid objection against his suggestion. The first question he had to ask was, whether the noble Marquess was prepared to propose to the Treasury a revised scale of salaries for the officers of the Money Order Office specially, or for the Post Office generally? The other question was respecting a recent appointment of a person to be head of the department to which he had alluded. This had been made a subject of discussion elsewhere, where the noble Marquess had no opportunity of explaining the reasons which induced him to appoint the present chief clerk to the Money Order Office. It had been said in another place that the junior clerks in the Post Office were accustomed to rise to the head of each department by seniority. It was complained that, in this case, all the clerks in the Money Order Office in London had been passed over, and a person from Edinburgh had been appointed to that situation. It was stated that several of them were the seniors of the person in question, and were very competent persons to fill the office. He thought that such a step ought not to have been taken. The only reason for it was said to be, that on a recent occasion the junior clerks had presented a memorial to the Post Office authorities representing certain grievances of which they complained. When a recent vacancy occurred, his noble Friend at the head of the Post Office was said to have called upon these clerks to retract the statements made in their memorial, and on their refusal to do so, had appointed to the vacancy a gentleman not connected with that department, though he was connected with the Post Office generally. If this were a misrepresentation, he had now given his noble Friend an opportunity of correcting it. He had also been informed that Lord Lonsdale had filled up four vacancies at the heads of various departments in the Post Office, by appointing the senior clerk in each to succeed. He would not say whether the principle of promotion by seniority was the best to act upon; but still the practice prevailed, and he hoped some explanation would be given, as this appointment appeared to have given great offence to persons who had long been in the public service.

The MARQUESS of CLANRICARDE said, he had no objection to reply to the questions of the noble Earl—indeed he felt obliged to him for having afforded him an opportunity of replying to most erroneous statements which had been made elsewhere as to this appointment. First, as to the Money Order Office, he feared his answer would not be entirely satisfactory to the noble Earl. He agreed with him that it had been the custom in the Post Office, and other public departments, to raise the clerks by seniority; but circumstances might justify a departure from this rule. He had been called upon to provide a superior officer in a most important department of the Post Office, and in doing so he found he was obliged to look to other considerations than seniority; but he was not prepared to enter into an explanation of all the circumstances which led to the appointment to the office in question. As to the allusion that had been made elsewhere respecting the resignation of clerks in consequence of the lowness of the salaries paid, he had no doubt if any of them should resign he should have 500 applications to fill their places. He was ready to admit the salaries were low; but if these offices were considered so bad, why were such numbers desirous of entering them? He must also say, in fairness, that he did not think that the Money Order Office was exactly the department where the pay was the least, looking to the nature and character of the services to be performed. He did not mean to say that they were sufficiently paid; but he could state that the situation of the clerks had been amended during the last three months. It was only two months since he had recommended that the probationary class of clerks should have an increase of salaries, on the advice and recommendation of Mr. Rowland Hill. The business of the Money Order Office had so increased that it had been found necessary to appoint not less than 114 new clerks, either by himself or by his predecessors in office. Since 1846 the following change had been made: at that period there were 128 clerks receiving only 70*l.* a year, but at present there were only 51 in that class. So far he had, he thought, satisfactorily shown that the lower class of clerks had recently been put in a better situation than before. With respect to the other question, no doubt an application had been made to him to appoint the senior clerk head of the Money Order Department, and that he had seen reason to appoint another person to that office. He was now happy in being in a situation to make a short statement, because, in another place, in consequence of this appointment, a most unfounded attack had been made on a most able and upright public servant. He conceived this to have been one of the most disgraceful proceedings that had taken place, for there was not the slightest ground for such an attack. He was sure the noble Earl would admit that the public service could not be carried on with efficiency, if gross and unfounded attacks were constantly to be made on gentlemen engaged in the service of the Government. As he had said before, that although they might admit that they should look to seniority, yet in particular cases it was necessary that other circumstances should not be overlooked. As for the case of Mr. Farmer, whose promotion had been cavilled at so much, he was the head of the Money Order Office at Edinburgh; he was senior to nearly all the clerks in London, and it therefore was almost a case of seniority. He was not prepared to state the reason for passing over any particular person, but in this case an attempt had been made to check the fair consideration of the subject by pure fabrications; and in regard to the memorial alluded to, although it was not the direct cause of any individuals being passed over, no doubt it had a certain effect. As had been stated, not less than 16,000,000*l.* a year passed through the Money Order Office, all of which was in small sums. Such a department necessarily required a great number of clerks. He would here correct another gross misstatement which had been made in another place. It had been said that in 1844 Mr. Farmer had been considered disqualified to remain in this Office, or at least he was less qualified than others: there was not the least ground for such an assertion. At that time one of the chief officers in the Post Office recommended four clerks for promotion to certain places. The Earl of Lonsdale asked whether the senior clerks were not competent to these offices, and on his being told that they were, he appointed them. Immediately after this the Earl of Lonsdale appointed this gentleman to be the chief clerk at the Edinburgh office. Where Mr. Farmer came from, or who his relations were, he did not know. In many instances applications were made to him with reference to the promotion of individuals in the Post Office, but he could safely affirm that Mr. Farmer owed his appointment to no private influence whatever. It had been said elsewhere that Mr. Hill had made very harsh regulations with respect to absence on account of sickness, and the necessity of providing a substitute. Now it happened that a person in the Post Office, who had been absent from duty fourteen months on account of illness, applied to him (the Marquess of Clanricarde) at the end of that time for further leave of absence. To this he consented, but at the same time he said that leave of absence could not be indefinitely prolonged, and that if at the expiration of the period the party was unable to perform his duty, his place must be supplied by somebody else. Mr. Hill then mercifully interposed, and obtained permission for him to allot his salary to another person at the expiration of the period in question, so that upon his restoration to health he might come back to the Office without affecting his standing. In consequence of that occurrence a regulation was made, that where a person's leave of absence had expired, he might, if unable to attend by reason of ill health, pay for a substitute. The regulation, in fact, was made for the benefit of the clerks, and was by no means calculated to oppress them. But then it had been said that the clerks had only three days' leave of absence. The subject, however, was looked into some time ago, and it was found that for several years past the average leave of absence granted to each clerk was twenty days. It was then settled that in future every clerk in rotation should have one calendar month's leave of absence. With respect to the Money Order Office, it had been said in another place that the auditor of the Bank of England had been called in, and that he had said he had never seen accounts in such a state. That was undoubtedly true; but where was the justice of saying so without adding that the auditor was called in for the purpose of examining the accounts, and that they had since been placed on a much better footing? They had been told that thirty or forty additional clerks would be required for three or four years to clear off the arrears, and that it would involve an additional outlay of 10,000*l.* a year. No additional clerks, however, had been employed, and a saving of 11,000*l.* a year had been effected. He was sorry that his noble Friend had alluded to the subject of a revision of salaries in the Post Office. That question had been a long time under consideration; but although he thought that the clerks in the Money Order Office might be better paid than they were, he was unable to hold out hopes of any immediate change being made.

LAW OF LANDLORD AND TENANT.

Lord MONTEAGLE said, he would call the attention of their Lordships to the Motion of which he had given notice; but he would endeavour to compress his observations within as small a space as possible. He had nothing to say against the constitution of the Devon Commission, or the competency of the individuals appointed under it to inquire into the relations of landlord and tenant in Ireland; but at the same time, looking to the uses to which the report of that Commission had been applied, he must say that never was an inquiry productive of less good or greater evil. The point to which he wished especially to direct their Lordships' attention was, that there were peculiarities affecting the landed property of Ireland which distinguished it not only from the landed property of England, but from the landed property of every other European country. For the historical state of property in Ireland the English Parliament was at least as much responsible as the present holders of land. He would refer their Lordships to the Earl of Clare's speech, which was made in the Irish House of Lords before the Union, for the purpose of showing the difficulties which arose out of the circumstances of the country. He said—

> "7,800,000 acres of land were set out under the authority of the Act of Settlement to a motley crew of English adventurers, civil and military, nearly to the total exclusion of the old inhabitants of the island, many of whom, who were innocent of the rebellion, lost their inheritance, as well for the difficulties imposed on them by the Court of Claims in the proofs required of their innocence, as from a deficiency in the fund for reprisal to English adventurers."

Even so late as the reign of William III., 1,800,000 acres were taken in the same way. What had been the consequence? As Lord Devon's Report said, the confiscations led in many instances to the possession of large tracts by individuals whose more extensive estates in England made them regardless and neglectful of their properties in Ireland. It had led also to the system of great middlemen, because the parties who lived in this country were more anxious to have security of tenure than anything else. By the penal code the Legislature excluded from the possible ownership of the soil, and from the profitable occupation of it, the whole bulk of the people of Ireland, who were reduced to the condition of serfs. Though those laws had been repealed, yet the effects of the penal code might be traced on every farm. The English public did not look back to these circumstances as the causes of the condition of Ireland, but attributed it to the existing race of Irish landed proprietors. It was these things which had led to the disorganised state of society in Ireland, and affected so injuriously the relations of landlord and tenant, which was the most unsound part of that disorganisation. When, however, Lord Devon and his Commission instituted their inquiry, they were enabled to say that all the elements of prosperity in Ireland were rapidly progressing. The Commissioners said in their Report—

> "Our tour and an extensive intercourse with the farming classes enable us to say that in almost every part of Ireland there exist unequivocal symptoms of improvement, in spite of counteracting circumstances. Speaking of the country generally, with some too notorious exceptions, we believe that at no former period did so active a spirit of improvement prevail, nor could well-directed measures for the attainment of that object have been proposed with a better prospect of success than at the present moment."

The Irish people were extricating themselves from their difficulties in 1845, but they were visited afterwards by the most grievous calamity that ever befel a nation in modern times. The labouring classes were reduced to pauperism; and grieving, as he did, for the sufferings which they had endured, he grieved for their paupered condition still more, because when pauperism was produced by law, the experience of England enabled him to say that there was, and could be, no escape from it, and that if, in 1833, their Lordships had not passed the poor-law, the pauperism of England would have sunk the country. Since 1845 there had been no effective legislation on the subject of landlord and tenant, though there had been several abortive attempts at it. He must say that it was most mischievous to hold out expectations of legislation, unless the framers of a measure were prepared to grapple with the difficulties which the subject presented.

Probably it had not been dealt with on account of the want of that information which it was the object of his present Motion to supply. The result of his Motion would be to show what had been done both in England and Ireland, and would enable their Lordships to exercise some discrimination in their application of remedial measures to the existing state of things. The conduct of England towards Ireland had been described in a forcible manner by Mr. Greville. Speaking of the civil war in Ireland, he said—

> "The surrender of Limerick terminated the civil war; the Irish people and the Catholic religion were laid in the dust—4,000 Irish subjects were outlawed rebels, and 1,100,000 acres were confiscated. The situation of Ireland at the revolution is unparalleled in the history of the world. If the wars of England had been carried on against a foreign enemy, the inhabitants would have retained their possessions, and their country been annexed to England as a province. . . . . But the whole power and property of the country has been conferred by successive monarchs on an English colony, composed of three successive sets of adventurers; confiscation is their common title."

The present state of the law had been upon more than one occasion referred to in that House, and it would be sufficient for him to state, that under its operation some of the most valuable properties in Ireland had been destroyed. There were houses wanting tenants, and tenants wanting houses; but such was the state of the law, and such the difficulties in obtaining possession on the part of the landlords, that many of them preferred pulling down their cottages at once, to being put to the trouble and annoyance of getting rid of a bad tenant. Again, the law which compelled the landlords to pay the poor-rates without regard to whether they received rent from their tenants was a serious injustice, as it frequently happened that the tenant paying nothing to the landlord, left him still, by some Irish process, out of that nothing to extract that something wherewith the landlord was expected to pay the rates which ought to have been paid by the tenant. What he wished to obtain by the appointment of this Commission was a short report, not founded upon evidence, but upon such consideration as a few lawyers of eminence might give upon a careful consideration of the existing state of the law. He did not wish a single amendment to be suggested in the report, or any remarks to be made as to what the state of the law ought to be. He wished the report to be simply as a foundation for future legislation upon the subject, and to contain nothing more than a clear statement of the law of landlord and tenant as it at present stood. The noble Lord concluded by moving—

> "That a humble Address be presented to Her Majesty for a Commission to inquire and to report upon the state of the law of Landlord and Tenant in Great Britain and in Ireland; showing the differences which exist in the laws as affecting the two parts of the United Kingdom."

The LORD CHANCELLOR considered that it would be perfectly impracticable to obtain in useful form any report upon the subject referred to in the Motion of the noble Lord. It would no doubt be perfectly easy to give an abstract of the various statutes which existed on the subject; but even with such an abstract their Lordships would be exceedingly at a loss to understand what were the rights of either landlord or tenant under those Acts. They could only find out the meaning of those statutes by reference to whole shelves of law books, for their meaning would be best found in the recorded decisions of that House, and in the various courts of law. If their Lordships were to take up a book of the statutes, and suppose that they could understand from it what the law of the land was on the subject of landlord and tenant, it would be the greatest mistake imaginable. The law of landlord and tenant was perhaps the most complicated of all laws; and to arrive at any complete knowledge of the subject, it would be necessary for their Lordships to understand the whole of the bearings of the law of ejectment, the law of replevin, the law of waste, or what a tenant might do without forfeiting his term—which was in itself a most complicated branch of the question—the law of forfeiture as connected with waste and other circumstances, and a variety of other heads, a knowledge of which could only be obtained by a study of the decisions of the courts of law upon them. It might no doubt be possible to obtain a report upon the state of the law with respect to any one particular head; but to attempt any report upon the whole question would only be attended with the most unsatisfactory result; but when to that was to be added, as was proposed in this Motion, a contrast and comparison of the state of the law of landlord and tenant in both countries, it would be perfectly impracticable.

Lord MONTEAGLE thought that the noble and learned Lord had misapprehended the object of his Motion, as he intended the report of the Commission to be confined exclusively to the actual state of the law, without reference to the decisions of the courts of law upon the subject.

The MARQUESS of LANSDOWNE objected to the Commission, for he thought any report upon the state of the law of landlord and tenant would be useless unless it were accompanied with the decisions of the courts upon the law itself; but, independently of that objection, he thought also that if the Motion were granted there would be great danger of misapprehension on the subject in Ireland, and that the mere circumstance of a new Commission being issued to inquire into the law of landlord and tenant in Ireland, would inevitably be attended with the mischievous effect of creating an opinion there, amongst people whom the arguments of his noble Friend would never reach, that Parliament was about to review the old law on this subject, with a view to amend or alter the system that now existed. He was not prepared to say that some amelioration in the law might not take place; but, whenever it did take place, it must be based on the principle of property itself, which principle he held to be common both to England and Ireland; and whatever peculiar circumstances existed in those countries, or in different parts of them, it would be most dangerous to depart from that principle.

The EARL of GLENGALL fully concurred in the opinion just expressed by the noble Marquess, that it would be unadvisable to allow it to go forth that any change was contemplated in the law of landlord and tenant by the Motion of the noble Lord. At the present moment there existed in Ireland a considerable amount of ill-feeling on the subject of the relation of landlord and tenant. The feeling was not a new one; it had existed for many ages, and had its origin, he believed, in the unjust mode by which the landlords of Ireland had become originally possessed of their property. A great portion of the land of that country had been confiscated and handed over to persons representing English interests, and the tenants of Ireland could not bring themselves to believe that those parties had become honestly possessed of the property. At the present moment a similar process was going on in Ireland. A number of speculators from Threadneedle-street, had gone over to Ireland, and purchased property there at less than one-half, or one-third, of its value; and it would not be believed there that this was anything but another confiscation of the land; and those who thus possessed themselves of the property of the country need not be surprised if the treatment they receive was in accordance with that opinion. He regretted also to see that although facilities were given to the public press to report the proceedings of that House, still whenever any Irish question came on, no matter how important—with the single exception of the Dolly Brae's debate—the debates scarcely ever met the public eye, or at best but a few words were given, and then most serious comments appeared the next morning in the public journals, on what was so imperfectly given, or not given at all. So it was when the correspondents of the newspapers went over to Ireland; did they go to the fertile counties in Munster, or to Wicklow, Wexford, Queen's County, Kildare, or Carlow; or did they go to Antrim, Down, or Fermanagh? No. They went to none of those places, where there was as good farming as in any other country. Why did they not go there? Because there was nothing to abuse—it would not sell—it would not pay. They went to four counties in the west, where, from the extreme badness of the land which is farmed, it never would have been cultivated, but that the high prices of corn during the French war had made it profitable. One half the places they went to were only stony mountains or black turf bogs; and were they to expect to see in such places comfortable houses? Did the persons who went from this country to Ireland to make purchases of land go to the western part of it? A person who went to Ireland for that purpose the other day went to the county of Wicklow, where he purchased a beautiful property covered with wood. That was the first adventurer who had gone to Ireland to purchase land. There was another class of persons who went to Ireland, besides the correspondents of newspapers; they were a set of bilious philanthropists, who amused themselves all day in reading blue books and making extracts from them. The bilious gentleman went over with his blue book and his portmanteau, and travelled instantly off to the far west. He went to those four particular counties, where he was sure to find matter for a pithy, spicy pamphlet. He got his information from the person who drove the car, or from an individual between a gamekeeper and a swell-mobsman, who lounged about inn-doors, and lay in wait for Saxon travellers. He gave him information, and referred him to Mister This and Mister That; and besides that, the correspondent had letters of introduction, and each man made him a greater fool than the one he had left. He (the Earl of Glengall) considered that much mischief had been caused by the operation of Pigot's Act, but admitted that the present Attorney General had done something towards remedying the evils of that and some other objectionable enaactments. Every man in Ireland, who knew what the Attorney General had done during that Session for Ireland, ought to feel the deepest obligation to that officer for the great attention he had paid to Irish legislation, the ability with which he had conducted it, and the sound principles he entertained; and he only hoped that he would long remain Attorney General, and continue to devote his attention to the subject. In conclusion he would say that no country had ever made such strides as Ireland between 1835 and 1845 with respect to agriculture and the improvement of the habitations of the people.

Motion withdrawn.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, August 1, 1850.

Minutes.] Public Bills. — 1ª Marlborough House; Customs; Police Superannuation Fund.

2ª Assessed Taxes Composition; Sheep and Cattle Contagious Disorders Prevention Continuance; Copyright of Designs Acts Amendment; Landlord and Tenant (Ireland) (No 2).

Reported.—Municipal Corporations (Ireland) (No. 2).

3ª Excise Sugar and Licences; Commons Inclosure (No. 2).

AUSTRALIAN COLONIES GOVERNMENT BILL.

Lords' Amendments considered.

Mr. F. SCOTT wished to know from Her Majesty's Government, whether it was their intention to assent to all the Amendments introduced into this Bill by the House of Lords. If it was their intention, he begged to say that the Bill would be very different in its character from that which the Government considered essential at the commencement of the Session. The hon. Gentleman proceeded to say that he should offer one or two remarks, in order to show that the Bill could not be expected to receive the sanction of the Australian colonies. Considering the narrow majorities by which it had passed in another place, and the great changes made in it, the expression of the noble Lord the Secretary for the Colonies could hardly be said to have been borne out, that there never was a Bill of so much magnitude passed with such slight alteration. The colonists had reason for strong complaining of the course pursued towards them by Government in this matter. They had been led to suppose, upon the authority of the First Minister of the Crown, that the whole control of their lands would be left to their own decision and judgment. But the Bill deprived them of that privilege. The Bill, in passing through the other House, had been changed in another most essential feature. As sent up from the House of Commons, the Bill contained provisions for a Federative Assembly, which Her Majesty's Government had admitted to be of the greatest importance as a means of uniting the strength of the colonies; but these provisions having been struck out elsewhere, the Government proposed to agree with that Amendment. It was immaterial whether he personsonally concurred in these Amendments or not; but, as they had been made, he must declare that the Bill was not the Bill which had been introduced to Parliament, and that it was not one which had received the assent of the colonies. It was an entirely different measure. No fewer than four different Bills, each materially different from the preceding, had been brought in since the opening of the present Session—one in February, one in May, one in June, another in July; and now, in the last week of the Session, changes so considerable in the measure to which the House had assented were proposed for their consideration, that he could hardly believe that Government really intended to pass the Bill this year. Two Bills having been introduced on the subject last year, making six in all, each differing from the other, the Government could not truly state that this, the last of the six, had been approved of by the colonies. It was not that which had been recommended by the Privy Council. It was not the same that had been sent out to the colonies. For these reasons he affirmed, that if it were passed under the pretence of being acceptable to the colonies, it would be passed under a false pretence, inasmuch as it had been altered in all its material features, and in its entire principle. For example, the report of the Privy Council said, the best form of government for the colonies would be that which gave them a double chamber; and the colonists themselves, in all their petitions and memorials, had asked for the same. Why, then, had it been altered? By whom, and when, had any declarations been made on the part of the colonies that they preferred a single to a double chamber? On what authority was it alleged that they desired a form of government different from that of the mother country? It would be urged, perhaps, that the alterations had been made in order to meet the wishes of the colonies. He could not admit that argument, because all the colonies desired a form of government similar to our own. The Government, however, proposed to make alterations which they did not ask for, but refused to make alterations that they requested. He was at a loss, under these circumstances, to discover the sincerity of their intentions; and he protested against any such measure being considered likely to cement the affections and feelings of the colonies to the mother country, or as being supposed to contain that form of government which the colonies most desired to possess. He asked the Government again whether they had not seen in the newspaper which was affirmed to be of authority, and which they quoted when it suited their purpose, memorials in favour of a double chamber, and reasons why the colonies ought to have local self-government, as far as regarded the control of the land fund? But he would come to the immediate questions involved in the Amendments they were called upon to consider. One of the purposes of the Bill was to separate the colony of Port Philip from New South Wales; and there was also a power to separate the northern from the middle portion of that colony. The effect of this power would probably be that Moreton Bay would be erected into a separate colony. Besides this, another Amendment was to diminish the franchise one-half; so that whilst the boundaries of the colonies were curtailed, the franchise was extended. The consequence would be that the neighbourhood of Sydney, where the largest portion of what was called the convict population resided, would have a preponderating influence—an influence so great that, instead of a constitution similar to that of our own being provided, it was probable that it would assume a decidedly democratic character. He did not object to the extension of the franchise; but its effect ought to have been counteracted by another deliberative assembly in the colony of New South Wales; and he bade the Government be aware lest by thus splitting up the colony into sections, lowering the franchise, and confining the legislative body to a single chamber, they should give an undue and dangerous influence to the convict population, weakening the bond with this country, and injuring the pastoral interest in the colonies. Another great alteration which they had to consider was that which he had already alluded to—the absence of the provisions for confederation. The Federative Assembly, which was professedly created to have the power of controlling the land funds, had been struck out; and the Government had determined to retain that control to themselves, in spite of the wishes of the colonists. The effect of their retention of this power would be to perpetuate the high price of land—a result which would materially affect the progress of the colonies. It had already operated to divert the tide of emigration towards the United States, and to deprive the mother country of the benefit of its colonies as a vent for its surplus population. Between 1831 and 1847, no fewer than 70 different regulations respecting the sale of land had been made in New South Wales, each successive change being for the worse. The falling-off in the land sales from 316,606*l.* in 1840, to 7,402*l.* in 1844, showed the impossibility of maintaining the high upset price of 1*l.* per acre. The number of emigrants to the United States, where the upset price of land was 5*s.* 6*d.* per acre, had risen from 40,000 in 1840, to 140,000 in 1847, and to 219,000 in 1849—a number equal to the whole Australian population; while the emigrants to New South Wales, where the upset price was 1*l.* per acre, had fallen from 15,000 to an average of 1,100 a year. Earl Grey boasted that a high price of land had promoted emigration; whereas the fact was, that from the proceeds of the sales of country lands in New South Wales, only 8,000 persons had been conveyed there since the price of land had been raised from 12*s.* to 20*s.* an acre; but immense numbers had resorted to the United States. In fact, emigration to America had increased in exactly the same ratio as emigration to Australia had decreased; whilst the population, instead of being concentrated, was so dispersed that they were beyond control and authority. The foundation of immoral habits was thus laid. Another objection which he entertained to the Bill was, that it gave a power to change the boundaries of the colony after six months' notice. How was a colony which it was intended to divide, to object within six months, when four months at least would expire before the notice could reach this country, so that eight months was necessary for the news to return? He further objected to the Bill, because it gave power to the Governor to alter salaries of his own accord; so that if a Judge happened to give a decision adverse to the wishes of the Governor, he would be liable to be mulcted for it in the shape of a reduction of salary. He put it to the House whether such a power as this was constitutional, or at all in unison with the usual mode of dealing with the Australian or any other colonies. The independence of the Judges would undoubtedly be destroyed if it were suffered to exist. Such were some of the objections he felt to the passing of the measure—a measure which he could not allow to proceed without calling attention to the fact, that if the Government were right in the first place in declaring they would act in conformity with the wishes of the colonies, they were certainly wrong in coming to the opposite conclusion, of acting adversely to their wishes. If they were right in determining to give the colonies a constitution similar to the British constitution, they were clearly wrong in giving them a government different to the British constitution. In conclusion, he could not assent to a Bill containing provisions adverse to the feelings of the colonies, and not calculated to cement those bonds of attachment which ought always to exist between them and the mother country.

Sir De L. EVANS could not agree with the hon. Member in his observations respecting the land fund, for his arguments to induce the Government to forego their claim to its control were utterly untenable. The mother country was at great expense in various ways upon account of the colonies, and it was utterly impossible for her to surrender all claim to the whole territory to the present inhabitants. Such a policy would not be acting justly towards future settlers. He approved of the Bill as a whole, but he felt some objection to several parts of it. He was opposed, for instance, to the appointment of a Church Establishment in the colonies; and he thought they would go on very well in religion as well as morals without the presence of an episcopate. At present he hardly ever heard of the settlement of a few hundred persons in any part of our possessions, but a bishop was to be appointed and sent out. In this case, however, he hoped the ecclesiastical establishments would not be increased as the colonies increased, so that there might be no established churches there, similar in proportion to the Established Church of the mother country. The hon. Member for Berwickshire and the "happy family" of would-be colonial legislators, contended for a constitution similar to that of the British Government; and the right hon. Gentleman the Member for the University of Oxford had proposed, if not a peerage, certainly a life peerage, with some important privileges, for the bishops. He was very glad that not a tittle of encouragement was given in the Bill to these views of the right hon. Gentleman. With regard to the existence of two chambers, for which the hon. Member for Berwickshire contended, his (Sir De L. Evans') own opinion was in favour of it theoretically; and when the proposition was made, he voted for it on general rather than on special grounds. But as he continued to hear the question discussed, and to read the documents which came from the colonies, he doubted the propriety of that vote. He doubted whether, at present, there were elements for another chamber; and, therefore, when the question was debated at a subsequent period, he abstained from voting. Taken altogether, the Bill was a fair and liberal measure. Not only was it beneficial to the colonies in many respects, but it contained a direct invitation to them to propose whatever alterations or modifications in their form of government they might deem proper. It might be said they had not the power to carry such alterations or modifications into effect, which they might have had. He admitted that. He wished further that there had been less of nomineeship. One-third was perhaps too much for the Government to possess; but he did not find that the colonists were prepared, at present, to alter the proportion. On the whole he ventured to think that the Government had acted rightly in not prematurely disposing of the question, but in leaving the colonies themselves to consider any future modifications and alterations in their constitution.

Mr. V. SMITH was not, like the hon. Gentleman the Member for Berwickshire, at a loss to form an opinion whether the Government intended to persevere or not with the Bill this Session. In the present state of the House they could carry almost anything; and he could not doubt that they intended to carry this Bill; but, before proceeding any further, they ought to disclose their views as to which of the Lords' Amendments they intended to reject, and which to adopt. The Bill was one of very great importance. [LORD J. RUSSELL: The question now is, whether the Amendments shall be considered.] The hon. Gentleman the Member for Berwickshire, and his hon. and gallant Friend the Member for Westminster, however, had scarcely alluded to the Amendments made in it by the other House. For his own part, he considered the majority of them rather improvements; though some of them completely diverged from the principles adopted by the House, and laid down by Her Majesty's Ministers. The first important Amendment was a very large omission. All the clauses by which a Federative Assembly was proposed to be established had been struck out. To this omission he had no objection. The fact of their omission, however, showed the difficulty of legislating for the Australian colonies; for although they had been carried in that House by a majority of six to one, the House of Lords cut them out; and at present the Government had not stated whether they intended to insist upon them or not. In striking them out, then, he feared they were exhibiting to the colonies a spectacle of how little attention was paid to the subject which interested them. The next Amendment introduced by the Lords was one which he had vainly attempted to press upon the House. It was the introduction of something like a franchise to what was called the squatting interest; and the Lords' Amendment in this respect had substantially carried his proposition into effect. The next alterations made by the Lords were much more important, and they were objectionable because they would restrict the functions of colonial legislation, and continue powers to the Colonial Office which ought to be abandoned without delay. Another Amendment of the Lords was the omission of certain words in the sixth page of the Bill, enabling the Colonial Legislature to extend the franchise, without leaving an equal power in the 32nd clause. They had also introduced a new clause—the 35th—stating what it was lawful for the Colonial Legislature to do; but there was nothing respecting the extension of the franchise in that clause; which led him to suppose that there would be considerable trouble on this point in the future. [MR. HAWES: The 32nd clause settled that point.] The important alteration, however, in his opinion, was the omission of certain words in the 32nd clause, which, in his view of the case, went to limit the powers of the council to vary the power of the colonial constitution. This ought to be restored to the Bill for the sake of keeping faith with the colonies. As this was the last opportunity he should have of speaking on this Bill, he could not but express his regret that it had not been made more liberal and extensive. He should move that they disagree with the Lords' Amendments relative to the constitution of the Legislative Councils.

Motion made, and Question put—

> "That this House doth disagree with the Lords in the Amendment in p. 21, line 14, which Amendment is, after the word 'Members,' to insert the words 'and generally to vary in any manner not hereinbefore authorised, the constitution of such Legislative Councils respectively.'"

LORD J. RUSSELL: I should have stated, Sir, in the first instance, what is the purport of the Lords' Amendments, and what the Government propose to do upon them, if the hon. Member for Berwickshire had waited until we came to the first of them. But I must add, in answer to an observation from my right hon. Friend the Member for Northampton, that some days ago, in reply to a question, I stated that the Government would propose to agree to the Amendments made by the Lords, so that the House is not ignorant of the course we proposed to take. Like my right hon. Friend, I think it far more convenient to deal with these Amendments as they are, than to go into other considerations as to the views of the Government in the early part of the Session, or the debates which took place upon those views. I admit that the greatest change made in the Bill by the Lords is the omission of the clauses with regard to the federative assembly. It will be recollected that my noble Friend the Secretary of State for the Colonies, and other Members of the Government, repeatedly stated that they thought it desirable to show that we were willing to allow the colonies to meet together for legislative purposes, by a body legally constituted for that purpose, but that we did not expect that for some years any such power would be called into action. When the clauses proposed for that purpose came under consideration, it was stated in this House that the smaller colonies would be overpowered by the great influence of the colony which was the most populous and the most powerful, namely, New South Wales. We endeavoured to meet that objection by giving greater power to each separate colony, and by diminishing the proportion which the Members would bear to the population of each colony in the federative assembly. However, upon further discussion of this question, my noble Friend was of opinion that, as the colonies stand, that provision might give means to the most powerful and the most populous colony to take funds, derived from all the colonies, for purposes which would be advantageous more especially to the colony which was the most powerful of the whole. He was of opinion this defect was such, that when the question was argued he was not prepared with any provision that would have completely obviated the inconvenience. Seeing, then, that it was a part of the measure which was not expected to come into immediate operation, he thought it better to omit the clauses altogether, rather than insist upon their being carried with this acknowledged and avowed defect. I think my noble Friend took an expedient course upon that occasion. I think, at the same time, we have shown to the House of Commons that we should be quite willing, if a Federative Assembly should be thought generally advantageous to the colonies, to entertain that question; that we have no insuperable objections to it; and that although we have not been able to frame clauses entirely satisfactory at the present time, if in future they are asked for by the colonies, we should endeavour to frame some provisions which would guard the smaller colonies, and at the same time provide for the requirements of the greater. We propose, therefore, to agree to this Amendment of the Lords, and omit these clauses—clauses which were conceived to be useful and valuable for future operations, but which were not part of the advantages to be obtained by this Bill. Another point in the Amendments made by the Lords is the admission of certain classes of voters, known under the denomination of "squatters"—persons who in general are very wealthy. Whether the provision to this effect has been framed in such a manner as to meet assent in, and to give satisfaction to, the colonies, I am certainly not able to say; but I think it is expedient to show that we are willing to concur in provisions which shall enable these persons—persons of property and respectability—to have a vote in the election of Members of the Legislature. With this proposal the right hon. Gentleman the Member for Nottingham naturally concurs, because he originally suggested it in this House. But then there was another proposal which I admit to be one of very great importance. We stated in this House that one of the main objects of this Bill was to give the legislatures in the colonies greater power to alter their own constitution than they now enjoy. I say this was one of the main benefits of the Bill; but I consider that one of the main objects of the Bill was to give to several colonies which had no representative institutions at all, representative institutions similar to those of New South Wales. At the present moment those colonies are governed entirely under the authority of the Crown by persons nominated by the Crown; but by this Bill we introduce into those colonies—four colonies I think—in which they have been hitherto unknown, representative institutions. That advantage remains in the Bill so far untouched by the Amendments of the Lords. With regard to the next question, the House will remember there were very great discussions whether or not we should constitute two chambers, or whether we should be contented at present to leave the constitution of the colonies as fixed by the Act of 1842, introduced by Lord Stanley, or whether we should give them power to make alterations in their constitutions. This House was of opinion the last course was the most desirable—that, however desirable two chambers might be, in our present state of information we are not justified in introducing two chambers without further information, and without more knowledge of the feelings and wishes of the colonies. As the Bill at present stands, with regard to several of the subjects which were intended to be matters of legislation in the colonies, though some alterations have been made, the measure stands in fact and substance as it was sent to the House of Lords. The House of Lords have, as the hon. Member for Berwickshire says, reduced by one-half the amount of the franchise; but they have likewise left to the colonies the power of altering the qualification of the electors and the elected. They have therefore a power left of altering the constituent body. They have likewise left to the colonies the power of dividing the legislative body into two chambers, and of appointing the mode in which those two chambers shall be constituted. But there is a change which it appears to have been contemplated might be proposed by the Legislative Councils; for the words "the power to vary in any manner the constitution of the colonies" are excluded by the alterations that have been made in the Bill. I do not think it would, under this alteration, be in th power of the Legislative Council to pass an Act by which the whole body of the single chamber should be elected, and no one member of it be nominated by the Crown. I do not think it would be in their power to alter the present propositions, unless some further legislation by the Imperial Parliament took place. They may, however, alter the qualifications of electors; and although they may divide the present Legislative Council into two chambers, they would not have the power of saying that the nominees of the Crown—whether official or non-official—should be altogether excluded. Upon that subject I should have been disposed to say, if such an alteration had been proposed by the Legislative Council in New South Wales, that, although it was a matter for their discussion and deliberation, I felt very great objections to such an alteration. I should have doubted whether it would be expedient in the Crown to give any assent to such a proposition; I therefore feel the less objection to the alteration that has been proposed; the right hon. Gentleman opposite, the Member for the University of Oxford, being, I think, in favour of the two chambers, wishing at the same time there should be in the second chamber, not nomination entirely nor election entirely, but a mixed body, composed partly of elected members and partly of members nominated by the Crown under certain conditions and limitations. But I imagine, though it would be competent according to the words of the 32nd clause for the Legislative Council to propose that it should hereafter be divided into two bodies, and that they would divide the future legislature of New South Wales, or any of the other colonies, they are restricted only in the respect I have mentioned. Though this is a very considerable alteration in the Bill, I am not disposed to refuse my concurrence in the Amendment as made by the Lords. I certainly think there were defects in leaving the whole subject to the Legislative Council; but if there is anything on which we ought to place a restriction, I think it is on the power of altering the Legislative Council into the only legislative body, that legislature to be solely elective. I therefore concur in the general policy of the Amendments made in this Bill by the Lords. I consider the Bill will be a great benefit to the Australian colonies; and I do not think the observations of the hon. Member for Berwickshire, although they show he has paid great attention to the subject, will tend to diminish the satisfaction with which a Bill of this kind, in the shape of an Act of Parliament, will be received in our Australian possessions. For these reasons I propose that this House agree to the Lords' Amendments.

Mr. GLADSTONE said, he should endeavour to follow the example of the noble Lord at the head of the Government by confining his attention to the Lords' Amendments upon this measure; but he must, in a single sentence, allude to the speech of the hon. and gallant Member for Westminster, because a great part of it had been occupied with references to himself. He would not say that the hon. and gallant Member's speech had been misplaced; but the hon. and gallant Gentleman had been so occupied with the cares and labours of the Session that he had not had time to peruse either one of the prints of the Bill, or any of the Amendments placed upon the Votes, or to attend to one of the debates, or, lastly, to read any of the Amendments introduced during those debates. With regard to the personal allusions the hon. and gallant Gentleman had made, and the description he had given of various proposals which he alleged he (Mr. Gladstone) had made, and various other proposals which he had not made, instead of going through the series of statements made by the hon. and gallant Gentleman one by one, he begged him, wherever he had set down an affirmative, to make it a negative, and wherever he had mentioned a negative, to make it an affirmative, for then his statements would be as nearly correct as possible. There were three Amendments made by the Lords upon which he thought it necessary to make a few remarks. With regard to the two first, the omission of the federative clauses, and the alteration of the franchise in New South Wales, he entirely agreed with the noble Lord. It was quite plain, although the federative clauses formed an important portion of the Bill sent out to Australia in 1849, they did not form an acceptable portion. So far, therefore, as the colonies were concerned, the House was free to part with them without involving themselves in embarrassment; whilst, so far as concerned the merits, however desirable a general assembly of the colonies might be in given circumstances of juxtaposition and community of interest, he thought, with the noble Lord, though for more permanent reasons, these clauses were out of place. As to the franchise, it would not become him to cavil at the amendments made in this respect, because he had strenuously urged that a Bill giving a permanent constitution to the Australian colonies ought to contain just such provisions. But he had been much struck by what had fallen from the noble Lord; for the noble Lord had admitted that they had in a great degree been legislating in the dark. Whilst they had been altering the franchise upon principles which were generally sound, the noble Lord confessed they had been doing so without adequate information. This circumstance led him to doubt whether they might not have lost time, and omitted opportunities, which would have enabled them to permanently legislate in a satisfactory manner; and it confirmed his impression that Parliament had not before it means of information to enable it to arrive at satisfactory conclusions. The Bill before the House was not, in his mind, satisfactory in its principle. He admitted the perfect purity of the noble Lord's intentions, and that, in various respects, the measure conferred material boons upon the colonies. No doubt it was a matter of crying necessity that the separation of Port Philip from New South Wales should be accomplished; no doubt it was a great advantage, though, perhaps, not a matter of crying necessity, that during the present year representative institutions should be conferred upon South Australia and Van Diemen's Land. But if they were reduced to the dilemma of either taking an imperfect and a bad measure this year, or of incurring the risks of postponement, the House would have done wisely to take the alternative of postponement, for the sake of securing a satisfactory measure. The point upon which the measure was unsatisfactory to his mind was brought out in the third Amendment of the Lords — that which took away from the legislative councils the power to alter the proportions between the nominated and the elected members in the composition of those councils. That Amendment went to the very root of all the dissent upon the Bill, and upon the principles involved in it. There were two arguments by which the Bill had been justified. The question of abstract excellence had been thrown overboard. The House had been told, not without truth, that the most important question for Parliament to consider was not in all cases what was abstractedly best, but that which was best suited to the particular community, as proved and indicated by the expressed wishes of that community. So it had been said in this case. The Bill had been sent out to the colonies, and it had received the approval of the colonial community; but then the colonial community had power to alter it in any sense they thought fit. That argument was now cut away. The power of altering the constitution, and of affecting the balance of power as fixed by the Bill between the Crown and the popular element, was altogether taken away. True, the power was left of constituting a double chamber; but that was by far the most unlikely power to be used, for the Government had forgotten, throughout all these discussions, that, of all the changes a single chamber was likely to make, the last would be that of resolving itself into a double chamber, because it would cut directly at the personal vanity and the sense of self-importance and pride of the members. Unless he was much mistaken, what had recently occurred in Canada was a case in point. According to the accounts in the public journals, the Canadian Assembly had had before them a question whether they should address the Crown to pray that Parliament should pass an Act for giving an elective constitution. The Legislative Council refused to pass the Motion: they preferred the nominated to the elected council. Why? Because they knew perfectly well that a nominated council was a plaything and a delusion; that it had been found necessary, upon great changes of opinion, to swamp the council; that if there should be another change it would be swamped again; and that, by a series of successive swampings, it would gain in numbers more than it would gain in dignity. He quoted this to show, that where you had one popular body to administer the affairs of the country, it was most unlikely that that popular body would consent to set up another popular body by its side. What was wanted in New South Wales was to have two popular bodies; and he had always said, "If you have information enough to justify you in passing this, pass it; but, if not, postpone it." With regard to appointments for life, he had stated his desire that the basis of the legislative council, as well as the legislative assembly, should be an elective basis, and that he should resist anything which would interfere with the substantially elective character of the council. He was in hopes, however, that the prerogative of reward vested in the Crown might have been retained under greater restraint; but whether that were so or not, he would do nothing to hazard the elective basis of the legislative council, because on that depended its strength and utility. But in what shape were they now going to send the Bill to the colonies? They were about to send it without the power of altering the legislative organ in its composition. They were about to say, "You shall have twelve nominated members, and twenty-four elected members; you may alter the aggregate number of members of the council, but not the proportions." The proportions were to be sacred, and not departed from. Here the false principle was introduced of hoping to check democracy in New South Wales by influences from home. He wished to check democracy in New South Wales; but he wished to see it checked by stable institutions springing from the soil, rather than by influences from the Crown, and enactments from Downing-street, which only tended to give a more wildly-democratic character to the feelings of the people, and to weaken the ties which should bind the colonial community to the mother country. He could not help remarking, at the same time, that this Amendment of the House of Lords amounted very nearly to a breach of faith with the colony of New South Wales, because the power of altering the constitution was really the one thing in the Bill which induced the qualified sentiments of approval on the part of the colony, upon which the Government had been all along relying. He was, therefore, afraid that when the Bill went back mutilated in this important particular, they would be met with outcries of "You have sent us a Bill which is essentially different from that which, by your pleading or approval, passed the House of Commons, but which was altered by the House of Lords." It was plain, he thought, that the very first thing the popular party would wish to do, would be to oust or reduce the number of the nominated members. But they had been stopped in that respect. The Bill, therefore, would be unsatisfactory. For these reasons, he must record his protest against the Bill, because they ought to have sent to New South Wales no constitutional measure for the purpose of reforming their institutions except such as would be final. It was impossible that this Bill could be final. It was not possible that New South Wales could rest content with such a measure; because, whilst her power had been apparently increased, an exhibition of jealousy was made in an invidious and offensive form, which said to the popular principle, "Thus far you shall advance upon your way, but no further; and we will take the responsibility of hemming you in and stopping your progress." He protested altogether against such an attempt to impose restraints upon the popular principle by the legislation of that House, after once having determined to give free institutions. In these essential points the Bill was defective. It maintained the control of the Crown over the local legislation of the colony, introducing into its legislation a feeling of uncertainty and uneasiness; it took away the great gift of liberty, which was the argument that carried the Bill through that House; and, lastly, it entirely withheld from the colonies the administration of the public lands, to which, if they had a tolerable constitution, they were entitled. Under these circumstances, thinking that no advantage would arise from taking the sense of the House upon these Amendments, he must record his last earnest protest against the passing of the measure.

Sir De L. EVANS, in explanation said, the right hon. Gentleman had certainly proposed to establish something like the commencement of a Peerage in the colonies. He was also disposed to create ecclesiastical privileges. But the right hon. Gentleman had denied these allegations, and charged him with ignorance. He begged to remind the House that on the 12th March last— ["Order, order!"]

Mr. SPEAKER said, the hon. and gallant Member was entitled to explain anything that had been misunderstood, but not to reply to the right hon. Gentleman the Member for the University of Oxford.

Mr. ROEBUCK said, it was useless to divide the House upon the Bill; but he held it to be his duty to enter his most solemn and earnest protest against it. He charged the noble Lord at the head of the Colonial Department with great want of discretion in the management of the measure. The House had just learned that they had been acting upon imperfect information. If perfect information had been requisite, it might have been obtained; but the truth was, the noble Lord was so determined to have only his own plan, and nobody's else, that he would never listen either to suggestions from the colonies themselves or from this country. The noble Lord had got himself, with regard to at least one important provision in the Bill, into considerable difficulty. The House was not without experience in this matter. If there was one point upon which they had had peculiar experience, it was with regard to the formation of a federal assembly. But the noble Lord the Colonial Secretary was determined to have one council, and one council alone. He was told over and over again, that if he adopted that plan it would be impossible to make a fair and honest federal assembly. The noble Lord at the head of the Government acknowledged this; for he said that, do what they might, New South Wales must predominate in the federal assembly. But the Colonial Secretary, though he was told this over and over again, that there was experience in the matter to which no sane man could shut his eyes, and that there was a simple plan by which he might check that great power without difficulty, would not see. What was the plan? Simply to have two chambers: one representing the population of the colony, and the other representing the colonies themselves. This was the plan of the United States; and the noble Earl had no right to shut his eyes to that, for it was a plan hit upon by the master minds which governed the American Revolution. It was a plan which the world would hereafter follow whenever there were institutions to be formed; and why the noble Earl, through some strange freak, should not have followed it, he could not conceive. Here, however, was a lame, limping measure instead—a measure which did not, and could not, effect its object. The noble Earl was going to give a federal assembly, which would have made one colony rule over a vast continent. The noble Earl and his colleagues shut their eyes to its evils; they would not listen to anybody or anything in opposition. But they had listened to the House of Lords, because the House of Lords had struck out the provision. Why? Because it was unjust towards all the other colonies. This was the first and foremost charge he had to make against the Government. He referred them to the example of California. There was a congregation of most heterogeneous materials—men from every clime, speaking every language. They had, however, framed a constitution for themselves which, when compared with this miserable specimen of legislative wisdom, ought to shame every person who sat in the Parliament of England. There they had taken advantage of all the great principles which we were bound to regard in the government of our colonies. They had framed provisions of the largest and most generous nature for the education of the people; they had laid down rules so clear and so simple for the fair representation of every class of the population, that there could be no doubt of their justice, of their policy, or of their easy working. Yet we, with the largest colonial empire in the world, and the largest experience of any nation upon the earth, when called upon to frame a charter for a great portion of our colonial territories which hereafter would contain free men, framed a Bill which would absolutely disgrace any set of men who had never heard of a parliament at all. There was no certainty in it, and by it we had sown the seeds of discontent. The rapid improvement of these colonies mainly depended upon the administration of the lands; but the Bill left that matter in a state so confused and utterly unsatisfactory that they must soon come to Parliament again for a remedy. The Bill had been passed through the House of Commons, and it had been brought back with that pretence struck out; and it was to be sent to the colonies after they had been promised by the noble Lord, over and over again, a measure which would enable them to make their own institutions. He condemned the principle of nomineeship. The legislature so composed would not represent the colony, but they would have the government of the Government. On this ground, if there was no other, he should oppose the measure. He denied that it would please the colonists; and he only hoped, when it arrived out, it would create such general discontent, that Parliament would be obliged to reconsider the whole question. When he heard an ex-Secretary of the Colonies saying that he had learned from his experience that the true constitution for these colonies was to have two chambers both elective, the House should consider whether or not so unwilling a conclusion was not the most marked and disinterested evidence to prove the wisdom of the principles laid down when the

American constitution was founded. It was all very well to say our colonies should be governed by British institutions. The colonists could not rely upon us; and they had no materials for an aristocracy. If, then, we could not make an aristocracy, we were bound to put a check on hasty legislation by the arrangement of a second chamber under circumstances different from the more democratic body, and calculated to ensure greater stability. The noble Earl the Colonial Secretary had thrown all these principles aside, and the Government had no opinion of its own. Under present circumstances, the House of Commons was obliged to bow to them. All he could do was to protest; and having protested, he had, so far as he was concerned, done his duty.

Mr. C. ANSTEY objected to the new clause which had been sent from the House of Lords relative to ticket-of-leave holders. He thought that and the subsequent clause ought not to be passed without a protest. There was already a too strong convict class in the colonies, and these new clauses would make that class still stronger by the infusion of a more degraded class of convicts. The present Bill was Earl Grey's Bill—it was not the noble Lord's Bill—that Bill had been superseded by the Amendments of the House of Lords, which the House of Commons were now required to agree to. Those Amendments he objected to, and protested against. The Bill was not suited to the wants of the colonies, and would not relieve the colonists from their representative difficulties. The Bill was a contemptible Bill, and rather than agree to it as a final measure, he hoped the House would reject it. He wished the noble Lord, who had already changed his opinions so many times, to take a week's time to consider whether he would not resist the insidious alterations made by the House of Lords.

Mr. MACGREGOR said, the question was, whether this Bill gave or took away any privileges from the colonists. He believed that it gave many of them privileges which they had never before possessed. Taking into consideration the moral and social condition of the colonies, he thought the Bill was a good Bill, and that it had been rendered rather more practical than otherwise by the Amendments of the Lords. He considered that the measure would be very acceptable to the colonists, and he would give it his cordial support, being anxious that they should be kept no longer in suspense as to what were the intentions of the Legislature.

Motion put, and negatived.

Amendment agreed to.

Subsequent Amendments agreed to.

THE NATIONAL LAND COMPANY SCHEME.

Mr. F. O'CONNOR said, that a person named Somerville, better known as the "Whistler at the Plough," who had been discharged from the Army, had recently published a circular addressed to the Manchester school, in which he stated that he had been involved in great expenses in his exertions to put down the Land Company scheme; that he had been in daily attendance upon the Committee of the House upon that subject; and that he had received 10*l.* for procuring information for the private use of the Chairman of the Committee on the Land Company. He now wished to ask the right hon. Gentleman whether the 10*l.* thus paid for procuring information was paid out of his own pocket, or the secret service money. He wished to know whether the statement of this great man was true or false—whether Mr. "Whistler at the Plough" had been paid for getting up information against him?

Mr. HAYTER said, the hon. Gentleman had not thought proper to give him any notice of the question—[Mr. O'Connor: I only heard of the matter this morning]—but it happened that the facts were perfectly fresh in his recollection. The hon. Member for Nottingham had endeavoured to throw discredit upon the person to whom he referred, and who, he (Mr. Hayter) believed, was quite as respectable as the hon. Member himself; but the statements he had made with regard to that person were not borne out by the circumstances of the case. The hon. Gentleman, with a view to throw discredit upon Mr. Somerville, who, he (Mr. Hayter) believed, was a very respectable person, had stated that he had been dismissed from the Army. The facts connected with the case were known to almost every Member of that House, and it was well known that Mr. Somerville was not dismissed, but that he was permitted to purchase his discharge, and obtained his discharge in consequence of that permission. At the time when he (Mr. Hayter) had what he must always consider the misfortune of being Chairman of the Committee appointed to inquire into the affairs of that company, which had obtained so unenviable a notoriety, and in which the hon. Member for Nottingham had so large a share, a person named Somerville, whom he had never seen before, was recommended to him as a person capable of giving very important information with regard to the matters which would come before the Committee. He made inquiries of some hon. Members as to the character of that person, and found that he was a man of intelligence and good conduct. The statements he received from that person were, unfortunately, not very material; but he certainly endeavoured, as far as he could, to acquaint him (Mr. Hayter) with some of the circumstances which were afterwards disclosed in evidence before the Committee, and a considerable portion of his time was occupied with reference to these communications. He (Mr. Hayter) thought it right, therefore, that a person who had been so employed, and who was so ill able to dispense with remuneration, should be remunerated, and he accordingly made him such a compensation for his lost time as he thought suitable, not, as the hon. Member had insinuated, from any public funds, but out of his own pocket, and with his own money.

Mr. HUME hoped he might be allowed to state, in justice to the person who had been named, that he (Mr. Hume) and several other gentlemen collected a sum of money to purchase his discharge, under circumstances which attracted great attention at the time, and which were honourable to that individual, who had got into a scrape in his regiment, and had been subjected to punishment. Every act of that individual— ["Order, order!"] When an attack was made on an absent individual, the House, he believed, generally allowed an explanation to be made; and he had only to say that every act of the person referred to, since he had been discharged from the Army, had been highly to his credit, and had met the approbation of his friends.

Subject dropped.

BRITISH CLAIMS ON TUSCANY.

Mr. HUME begged to ask the noble Lord the Minister for Foreign Affairs whether he would have any objection to state the nature and the amount of the disputed claims made upon the Government of Tuscany for injuries sustained by British merchants at Leghorn?

Viscount PALMERSTON replied, that the claims made upon the Government of Tuscany arose out of these circumstances:—When there was a revolt at Leghorn, the town was taken by storm by an Austrian corps, acting as auxiliaries of the Grand Duke of Tuscany. After the town had been taken, and when resistance was over, some of these Austrian troops plundered the houses of certain British subjects. Among others, the house of a Mr. Hall, was forcibly entered by a detachment, headed by an officer, which remained in the house for several hours, brought into the house the wives of the soldiers, broke open and plundered everything, from the cellar to the garret, destroyed what they did not take away, carried away many of the things in the house, selling them to people at the gate, which was not far off, and returning afterwards to take away other cargoes. This was done at the houses of Mr. Hall, of a widow lady, and of other persons, each of those houses having, as a matter of precaution, been marked visibly on the outside door as the residences of British subjects, under the protection of the British Consul. It was for these losses that, upon legal advice, compensation had been demanded. The amount originally claimed had been very much reduced, in consequence of communications which had taken place between Her Majesty's officers in Italy and the claimants, and the total sum now claimed was about 1,530*l*. Communications were now being carried on upon this subject with the Government of Tuscany, and he hoped they would see the justice of the claim.

THE SOMERSETSHIRE YEOMANRY—EXPLANATION.

Mr. H. BERKELEY wished to make a short explanatory statement. In a recent debate he had animadverted upon the conduct at the Bristol riots of a regiment of yeomanry, which he was made in the reports, by an error no doubt, to describe as the West Somerset; whereas, in fact, he had meant the North Somerset Regiment. Now, in the *Times* of to-day there appeared upon this subject a most abusive and blackguard letter reflecting upon him.

Lord J. MANNERS rose to order. He apprehended that the epithet just used was unparliamentary.

Mr. H. BERKELEY: Well, at all events, the letter was most offensive. It was as follows:—

"Sir—Lately there appeared in your columns the 'lie official;' now I must as plainly give the lie direct to Mr. Berkeley's statement respecting the bad conduct of the West Somerset Regiment of Yeomanry Cavalry in any case where the members thereof have been called upon to aid the civil power. Had he taken the trouble to refer to the statement of the Lord Lieutenant (Portman) and Sir George Grey in 1847, during the time of the bread riots in this county, he certainly would not have had the unblushing impudence so to have misrepresented facts.

"One thing is certainly established, that the imaginative powers of the hon. Gentleman (having, as in the recent debate, a total disregard for truth) are of that order which generally tends in the long run to bring odium on the originator, rather than injury to the parties to whom he referred. With regard to the Bristol riots, his statement of the conduct of this regiment is a pure fiction, as not a single member on that occasion received marching orders.—I am, Sir, your obedient servant, "JOHN CHAPPLE."

In reply he had only to say, that he had never mentioned the West Somerset Yeomanry at all. He was advised that the letter was a decided breach of the privileges of the House; but as he found he could only call the editor of the *Times*, and not the writer of the letter, to the bar, he would take no steps in that direction, but would merely observe that after the explanation which he had given, the writer of the letter would—if a man of proper feeling—be sorry for the expressions which he had used. If he were not so, then he was a low ruffian, whom he would only condescend to treat with contempt.

MR. PINNEY having held a commission in the West Somerset Regiment of Yeomanry Cavalry for some years, wished to say a few words. From the reports which were given in some of the public newspapers, the yeomanry considered that the hon. Member for Bristol had made statements impugning the alacrity with which they had assembled when called out in aid of the civil power. In justice to the West Somerset Yeomanry, he ought to say that when he held a commission in that regiment they were twice called out in aid of the civil power, and on both occasions received the thanks of the Lord Lieutenant, who called them out for the promptitude with which they obeyed the call, and the assistance which they rendered to the civil authorities on those occasions.

Subject dropped.

THE HUDSON'S BAY COMPANY.

MR. GLADSTONE wished to give notice of his intentions with respect to some papers recently laid upon the table of the House referring to the proceedings of the Hudson's Bay Company. The House would recollect that an address had been already laid before the Crown, calling upon Her Majesty to take measures for discovering the legality or illegality of the rights claimed by the Hudson's Bay Company over the vast territories possessed by them. Papers had been presented a few days ago to the House, by which it appeared that the course taken by the noble Earl the Secretary for the Colonies in the matter had been this: He had called upon the Hudson's Bay Company to state their case; that case he submitted to the law officers of the Crown, and having received their opinion on the case—that was to say, the case of the Hudson's Bay Company, drawn up by itself and for itself—the noble Earl had despatched a letter to a young gentleman who had recently arrived from America in this country for the purpose of his education, and who was without any other means than those actually requisite for his own support—to inform him that he might, if he thought fit, prosecute a petition against the Hudson's Bay Company at his own proper costs and charges. On the young gentleman's declaring that he could undertake no such task, the matter, if he (Mr. Gladstone) might judge from the papers, appeared to have fallen to the ground. On the presumption, then, that the proceeding had thus terminated, he wished to give notice that—if he were correct in his supposition—believing in that case that the noble Earl the Colonial Secretary had most grossly neglected his duty—he should, at the earliest possible period next Session, call the attention of the House to the whole proceeding. He might add, that he was only precluded from immediately proceeding with the matter by the advanced state of the Session, and the difficulty of securing a proper discussion for such a subject.

LORD J. RUSSELL had not had his attention called to the subject lately. In the last communication he had with his noble Friend the Secretary of State, he said he was taking measures to ascertain the matter with a view to which the address was presented. However, he would communicate with his noble Friend on the matter.

MR. HUME thought that it was the bounden duty of the Government to prevent great companies like the Hudson's Bay Company from tyrannising over and setting at nought the rights of individual subjects.

SUPPLY—WATERFORD, &c., RAILWAY COMPANY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR W. VERNER begged to call the attention of the House to the proceedings of the Railway Commissioners, and the Waterford, Wexford, and Dublin Railway Company. He would therefore move an Amendment for that purpose.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'as the Statements contained in the Printed Papers, No. 297, and in the Petitions before the House, regarding the Waterford, Wexford, and Dublin Railway Company, and the proceedings of the Commissioners of Railways, concern the Privileges of this House, and the integrity of its Members and Officers, an Inquiry be made into the said Printed Papers and Petitions, and the loss of Documents, important to the Shareholders, abstracted from the Offices of this House, and ordered by this House on the 22nd day of March last to be produced:—Also to consider Measures for the better protection of the Public and Shareholders, and the carrying out of Public Measures and Resolutions sanctioned by this House; and remedies for the said loss;'—instead thereof."

MR. LABOUCHERE did not think there were any grounds laid for inquiry. The period of the Session was in itself no inconsiderable reason against embarking in such a proceeding; and there appeared other very substantial reasons against the Motion. All that could be heard would be statements and counter-statements, and the House had really no means of forming a judgment. The proposed inquiry into the circumstances of the alleged abstraction of documents from offices connected with that House, would be superfluous, for it had already taken place where it could be taken upon oath, namely, before the House of Lords; and that House, if blame had attached to the officers of the House of Commons, would doubtless have informed this House, that it might proceed to punish them. He could not consent to a Committee, which would imply blame on them, believing that there was not the slightest ground for suspicion as to the manner in which they had performed their duties. As to the abstraction of these documents, a more unfounded suspicion could not exist. As to the statement that the Commissioners of Railways did not enter into the necessary inquiries on this subject, he would tell the House what really had occurred. Mr. Nash, a gentleman connected with the railway, had sent on behalf of a portion of the shareholders a large quantity of documents to the Commissioners, entering largely into some disputes between those shareholders and the directors, and had also frequently requested interviews with the Commissioners. The reply sent by the Commissioners was, that they had nothing to do with those disputes, but that if Mr. Nash would send to them in writing a statement of any point respecting which they ought to interfere, or to which their functions applied, they would immediately grant him an interview. The Commissioners had never received any statement in reply, and they had refused to allow Mr. Nash to drag them into such a discussion, or to force them to express any opinion as to these squabbles and disputes between shareholders and directors. It was not the duty of a public department to interfere in matters which did not concern them, and that was his answer to this allegation against the Railway Commissioners. He must beg the House not to agree to the hon. Baronet's Motion, and he could not think they ought to occupy their time with a question which had been fully considered already by the other branch of the Legislature, and with respect to which they (the House of Lords) had expressed no unfavourable opinion of the officers of that House.

MR. SCULLY thought, if the right hon. Gentleman and the Railway Board refused to take up this subject, the House of Commons was bound to consider it. Where else were the shareholders to look for redress? [The hon. Gentleman, at some length, went into an analysis of the financial position of the company, and complained of the practices of the directors in their attempt to impede the action of the London deputation of shareholders, by inducing the shareholders to withdraw their proxies, as well as of the extravagance of the directors.] Among the items to which he particularly wished to call the attention of the House, was one for "a white-bait dinner at Greenwich," and for "the expenses of the journey of Sir Thomas Esmonde to London," at the height of the season. They might talk of referring the matter to the Court of Chancery; but it might go on for ever there without being decided, and the expense would be ruinous. It was very extraordinary that the person who was responsible for a document which had been abstracted had since absconded. The directors had spent 40,000*l.* in cutting down two hills at Bray, near Dublin, and had never attempted to get beyond them. His hon. and gallant Friend the Member for Armagh did not want a Committee of Inquiry to issue now, but merely asked the House to decide that inquiry should be made, and he hoped his hon. and gallant Friend would press his Motion to a division.

Mr. M. J. O'CONNELL said, that two bills had been filed in Chancery against the directors, and an injunction had been granted against proceeding with the works. Under these circumstances the House ought not to interfere with the case; for, though the Court of Chancery might be tedious, it was on such a matter likely to be as speedy as a Committee. Besides, a Committee would not have the power of examining a witness on oath; and, without going into the painful question of what had happened in the House of Lords, he might say that the power of examining the prime mover of this business on oath would afford a strong sanction to his evidence. As to cutting down the two hills, it was usual with railways to set to work first where there were the greatest difficulties.

Mr. H. BROWN thought the statement of the right hon. President of the Board of Trade very extraordinary, considering the Railway Commission, of which he was at the head, had been specially constituted to entertain such matters. The right hon. Gentleman could have found a much better excuse for refusing inquiry than saying the House of Lords had made no remark on the conduct of officers of the House of Commons.

Mr. REYNOLDS said, no good could possibly result from the Motion, which might do a great deal of harm, in interfering with a case which was under consideration in a court of law. They had heard grave charges against the directors; but was it likely that a board, of which the Earl of Besborough, the Earl of Courtown, and Sir Thomas Esmonde, were members, could be parties to such malpractices? He believed Mr. Nash was at the bottom of this Motion, and had made a tool of the hon. and gallant Member.

Sir T. O'BRIEN supported the Motion. The Dublin meetings were unanimous that to proceed with the railway would be ruinous. He had been offered a release from all claims on account of his shares if he would withdraw his proxies from the London deputation.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

Main Question put, and agreed to.

SUPPLY—BUCKINGHAM PALACE AND THE MARBLE ARCH.

House in Committee.

(1.) 11,000*l.*, Inclosure at Buckingham Palace, and Removal of Marble Arch.

The CHANCELLOR of the EXCHEQUER moved that a sum of 11,000*l.* be granted for putting up iron railings in front of Buckingham Palace, and for defraying the expense of taking down, removing, and rebuilding the marble arch. It was in this case intended not to incur any expense that could be at all avoided; that the present hoarding must be taken down was quite manifest, and that it must be replaced by some sort of fence was equally clear. More than that it was not now proposed to do, but, on the contrary, to postpone the formation of the intended gardens. The marble arch must be removed, and the Palace protected by a fence. It was not easy, just at that moment, to say where the arch would be moved to; but if it were not immediately rebuilt, then the expense estimated for that purpose would of course not be incurred. The sum of 11,000*l.* which he now asked, was a reduced estimate from 14,000*l.*

Sir D. NORREYS suggested, that instead of forming the enclosure according to the plan proposed, it might be better to inclose a much wider space, to place the arch in front of it, as well as to form roads connecting both Constitution-hill and the Birdcage-walk with Pall Mall. It was evidently desirable that the Palace should be protected, in the event of crowds or any popular excitement, by a fence placed at a considerable distance from it, perhaps as much as 150 yards.

Mr. STAFFORD wished that the Chancellor of the Exchequer had given the different items of this vote separately. Would the construction of the railing, as proposed, be such as to involve further expense for the gardens?

The CHANCELLOR of the EXCHEQUER had distinctly stated that nothing should be done that would involve the necessity for further expense. The question as to the removal of the marble arch was not yet settled; but supposing it to be possible that the arch could be removed in the manner he had said, it would be attended with a small expense. The vote he now proposed to take would cover the expense of taking it down and putting it up again. If the arch was not removed, that part of the vote of course would not be expended.

Mr. HUME suggested, that the marble arch should be taken to Charing Cross, and be placed at an entrance to be made there into the park. Unless they could make some use of it, it appeared to him the best way would be to sell it.

Lord SEYMOUR said, he had made inquiries as to what would be the cost of purchasing the property at Charing Cross, if it were desirable to put the arch there, and he found that it would be about 85,000*l.*

Mr. HUME said, a great deal of that was Crown property, and he hoped the leases would not be renewed.

Sir H. WILLOUGHBY expressed himself of opinion that these votes should all come under one head. 561,000*l.* had already been raised on land revenues for Buckingham Palace, and why should not this be raised in the same way?

The CHANCELLOR of the EXCHEQUER said, he thought his hon. Friend would agree with him that all these expenses should be brought before the House of Commons, and agreed to by them.

Mr. SPOONER said, that the charge of 650*l.* for commission for designs, superintendence, &c., and 350*l.* for the salary of the clerk of the works, was very heavy for a work which was to cost only 10,000*l.*

The CHANCELLOR of the EXCHEQUER replied, that he did not know whether the charge would amount to so much, but he had taken sufficient to cover it.

Vote agreed to.

SUPPLY—HARBOURS OF REFUGE.

(2.) 151,500*l.*, Harbours of Refuge at Harwich, Dovor, the Channel Islands, and Portland.

Mr. THORNELY said, this was a very large sum, and he found that there were prospective votes under this head, amounting altogether to 1,283,000*l.*

Mr. HUME should wish a Committee to be appointed on this vote. He advised the House not to vote any part of this money. He took the trouble to go over to Guernsey and Alderney, to look at these harbours. At Alderney he was not fortunate, for he was a few hours after the Chancellor of the Exchequer. The Chancellor stayed two or three hours, but he (Mr. Hume) stayed long enough to enable him to see the works at high and low tide; and if the Chancellor of the Exchequer had stood, as he had done, at Catherine's Bay, he must have come to the conclusion that a more useless expense was never incurred. There was a girdle of rocks all round, and it was absurd to expect that a ship, running for refuge into that harbour, was an occurrence which would take place more than once in twenty years. He had moved for some papers on the subject, but they were quite useless. The Tidal Harbour Commissioners had recommended that these matters should be placed under competent authority, and that there should be reports every year. But in this case there was no report except from the contractor. He believed that the money was completely thrown away. They had besides purchased land to the amount of many thousands of pounds, with the view of fortifying the heights against some supposed enemy; whereas they might laugh at all those defences, whether on the right or left of the basin. Had these works been necessary, he should not have quarrelled with the mode in which they had been set about; no doubt the formation of a railway was the most economical plan which they could have adopted. But what did the Government mean to do with those wings of St. Catherine Bay? There were five rocks in the middle; and a single vessel could not swing inside without dragging some of the rocks, unless they were blown up; and then there would only be sufficient depth and space to swing three frigates in. On two occasions a considerable portion of the pier of St. Catherine's Bay had been knocked down; he wished to know to what extent it was intended to repair it.

The CHANCELLOR of the EXCHEQUER said, he was sorry he had not had the pleasure of meeting his hon. Friend on the spot. He was mistaken in supposing that the north pier of St. Catherine's Bay had been washed away; it was the north pier at Alderney, the western arm of which had been destroyed by a violent storm. Reports had been made in favour of these works by very eminent engineers, as well as naval and military officers. They had been designed to serve partly as harbours of refuge, and also for steamers at high tide, the services of which might be required for the protection of the island and of trade, and to guard against hostilities, which he hoped, however, would not occur. Several other places had been named, but this site had been selected as the most eligible for the purpose. On the southern arm of St. Catherine's Bay the works would not be continued without the fullest inquiry and due deliberation. It would not be advantageous to stop altogether the works on the northern arm; but they would be proceeded with exceedingly slowly.

Mr. HUME wished to know if any fresh authority or reason had been given for prosecuting those works; for it was clear that the Commissioners who had given evidence before the Select Committee on the Navy Estimates were panic struck; and he was sorry that the Duke of Wellington appeared to have lent himself to all these alarms. He could find no authority for the works that had been executed. Not a single individual could be found on the island to sanction the works, or say that they were necessary. He admitted that the northern arm at Alderney might have been thrown out to screen steamers engaged in watching ships from the opposite coast; but the place would only accommodate two or three. He considered that every shilling spent in those islands was wasted, and he hoped the expenditure would be brought to a close as soon as possible. It was painful to see the gold and silver of England shovelled into the sea in such a manner. All that had been done would only afford security for one vessel in the event of a war; and the loss would be much smaller were that one vessel taken. Indeed the whole island was not worth the amount that had been expended—300,000*l.* He hoped the Chancellor of the Exchequer would take another visit to the spot. He (Mr. Hume) would meet him there with a jury, if he chose, whose verdict would satisfy him that the whole thing was unnecessary, While retrenchment was going on in every department at home, it was most painful to see this lavish expenditure.

Vote agreed to; also

(3.) 43,000*l.*, Privy Council.

SUPPLY—ECCLESIASTICAL COMMISSIONERS.

(4.) Motion made, and Question put—

"That a sum, not exceeding 3,640*l.*, be granted to Her Majesty, to defray a portion of the Expenses of the Ecclesiastical Commissioners for England, to the 31st day of March, 1851."

Sir B. HALL said, that whatever support he might have, he should certainly take the sense of the House on this vote. It was useless for him to go into the question of the composition of the Commission, which had been repeatedly discussed; but he contended that the Commissioners did not deserve any grant whatever from that House. Through their negligent appointment of a person as collector who was a connexion of one of the episcopal body, and a man who was not worthy the confidence of the Commissioners—which was a complete body—they had been robbed of 6,000*l.*; and now the House was called on to grant them upwards of 3,000*l.* more. When this matter was under discussion before, he had asked about some returns which were ordered on the 2nd or 3rd of May, from the episcopal body, as to the several pieces of preferment which the members of that body held. Two or three days after circulars had been sent from the Home Office to the different bishops; and though three months had elapsed, and the returns might have been made in a fortnight, they had not yet been presented.

Sir G. GREY said, the returns were yet imperfect, but he proposed to lay before Parliament those which had been received from different quarters, with a statement of the reason why they had not come from other quarters. Several of the bishops stated that they had not the means of compelling returns from the different members of the chapters; and he feared it would be necessary to make an order for the returns on those individual members. As far as these returns had come in, they should be presented before the Session closed; but he begged to say it was not the Ecclesiastical Commission that had to make them.

Mr. HUME contended that the expenses of the Commission ought to be paid out of the church property. By voting them out of the public funds, they were paying so much more towards the maintenance of the Church.

Lord J. RUSSELL said, the hon. Gentleman was mistaken on that point. The Church had not objected to continue to manage its property as it had formerly done; but the State had stepped in, and wished a different distribution of church property to be made—that the incomes of the deans and chapters of cathedrals and of various prebends should be differently distributed for the good of the public at large. When the Prime Minister of the time proposed the change, the chief Prelates of the Church very naturally said—"If the church property is to be distributed more generally for the benefit of the public, let the expense of making that change be at the charge of the State; otherwise you will take from the Church that which it now possesses, and will apply to the purpose of this change funds which are devoted to the support of those who are connected with the religious instruction of the country." That was a very fair argument; and had the House been satisfied that the church property should be distributed as it had formerly been, they would have heard nothing of that vote. As the State wished for a different distribution of the property, it was necessary to have a Commission and officers for conducting the business. The hon. Baronet the Member for Marylebone said the Commissioners had appointed a secretary who was unworthy of their confidence; but that was not the act of the present Ecclesiastical Commissioners; the appointment was made in 1834 or 1835, and the present Commission was in no way blameable for it.

Sir B. HALL dissented from the doctrine of the noble Lord, that if they, the members of the Church, desired a better distribution of the Church's revenues, Parliament was to pay for it. He contended that the property of the Church belonged to them as members of the community; and it was unjust that the public should be taxed for obtaining a better distribution of that property, and for correcting the great abuses which had existed under the dignitaries of the Church. They desired that, by this commission, abuses should be remedied, and that the property should be made available for the benefit of the community at large who were members of the Church, as well as the bishops themselves; and Parliament ought not to vote any sum towards this expense. He looked upon the bishops merely as members of the same community, as trustees of the national property, in which they had only a life interest. He protested against this vote, whether it was to be an annual one, or only occasional; and he would certainly divide the House against it.

The Committee divided:—Ayes 70; Noes 32: Majority 38.

SUPPLY—RAILWAY COMMISSION.

(5.) 7,946*l.* Railway Commission.

Colonel SIBTHORP objected to the continuance of the Commission.

Mr. HUME wished to know if there was any intention of carrying out the recommendation of the Committee for doing away with the Commission, and transferring its duties to the Board of Trade?

Mr. LABOUCHERE said, that to carry out the recommendations of the Committee would require an Act of Parliament. By an Act of Parliament the powers of the Board of Trade, for the superintendence of railways, were transferred to the Railway Commissioners, and it would require an Act of Parliament to restore those powers to the Board of Trade. He thought the question of economy the very least part of the subject, which involved considerations of a much higher nature. He could only promise, that during the recess the subject should be carefully considered, and in the next Session of Parliament, Government would be prepared to state the course they meant to adopt.

Vote agreed to.

SUPPLY—PUBLIC WORKS (IRELAND).

(6.) 37,606*l.* Board of Public Works (Ireland).

Mr. H. HERBERT said, he wished to call attention to the system of valuation of land in Ireland. The declared object of the Valuation Act had been to obtain uniformity; and this object was now much more desirable, as the new franchise was founded on a particular valuation. No time ought to be lost in ensuring that that valuation should be uniform. It appeared in evidence before the Poor Law Committee of last Session, that in the western counties particularly, great discrepancies occurred in the proportion which the valuation of one union bore to another. He knew numerous instances where neighbouring unions varied 20, 30, or 40 per cent in their valuation. This must lead to grievous injustice on the county generally.

Mr. REYNOLDS thought that no public department required a more thorough overhauling than the Board of Works in Ireland. More money had been squandered by the extravagance of that board, on the one hand, and its gross ignorance on the other, than by all the other public departments in Ireland. There was a job in connexion with the office of secretary, who received a salary of 500*l.* Two years ago a person named Walker filled the office of secretary, and was in the full enjoyment of his health and faculties. It appeared, however, that it was necessary to supersede Mr. Walker to make room for the nephew or son-in-law of the Chief Commissioner, Colonel Jones, whose name was Hornsby. Mr. Walker accordingly was pensioned off upon 370*l.* per annum, and was now riding on a blood horse in the streets of Dublin. Opposite to Mr. Walker's name was placed, as the ground for his retiring, not "old age, ill health, or imbecility," as was usual, but "adjustment of the office." He (Mr. Reynolds) had sought an explanation of the term "adjustment of the office," and the explanation given him was, that Mr. Hornsby was son-in-law to Colonel Jones, and that it was convenient to supersede Walker to make room for Hornsby. But thereby hung another tale. Walker "kicked up a row," and said he had been sacrificed to the principles of nepotism. He published letters and threatened to make revelations. He said, "If you do not give me something, I will tell something." All at once Mr. Walker became silent, he retired to Sandymount, and he (Mr. Reynolds) got no interpretation of his silence until he saw his name down for this retiring pension. This transaction ought to excite inquiry on the part of the Government. The Commissioners of Public Works each received a salary of 979*l.* 19*s.* 9*d.*, he supposed on Rory O'More's principle that there was "luck in odd numbers." What were these Commissioners doing? He would tell them. They were doing nothing. He believed that one man of business would do more than the whole four Commissioners put together.

The CHANCELLOR of the EXCHEQUER said, the transaction to which the hon. Member referred occurred two years ago, and he was not prepared to explain it without making inquiry, which he would do immediately.

Mr. GROGAN thought that Mr. Griffith's salary (1,500*l.*) was not excessive, and that too much rather than too little labour was thrown upon him. A correct and uniform valuation of the whole country was exceedingly necessary.

Mr. G. A. HAMILTON believed that there never was a public department more overwhelmed with work during the last few years than the Board of Works, which had the charge of the fisheries, the arterial and local drainage, and the public works of Ireland.

Mr. REYNOLDS maintained that the Board of Works had too many commissioners, and that some of them were very inefficient. A man named Mason, a bookkeeper of the Board of Works, had received draughts upon the Bank of Ireland, which it was proved were signed in blank by Colonel Jones. The public were robbed in consequence, and Mason was convicted. If the board were presided over by a man of business, and not by a military man, one person would be quite sufficient to do the entire work.

Sir D. NORREYS complained that the individual who was to superintend the valuation of Ireland had been withdrawn from that duty, and other duties imposed on him, which prevented him from performing the duty of valuation, for which he was so well qualified.

Sir W. SOMERVILLE said, he was surprised to hear any one state that the Board of Works in Ireland had but little to do. He believed that no department in the empire had more duties to discharge, or discharged its duties under all the circumstances of the case in a more satisfactory manner. He should observe, with respect to a statement which had fallen from his hon. Friend the Member for Kerry, that Her Majesty's Ministers were fully sensible of the expediency of completing at the earliest possible moment a uniform valuation in Ireland, and that they would use their best efforts for the accomplishment of that object.

Mr. V. SMITH did not doubt that the Board of Works in Ireland had important and multifarious duties to perform, but it was a question for the House whether the board should continue to perform those duties, and whether the public money should be voted for the maintenance of the board. In England such duties were discharged by local bodies, which were enabled to bring to bear on the affairs entrusted to them a much more effective supervision and control than could be exercised by any public office. He was strongly of opinion that it would be greatly for the profit of Ireland if a similar system could be introduced in that country.

Sir R. FERGUSON said, that the fault lay with the grand juries, who imposed the works alluded to on the Board of Works, which there was nothing to prevent their performing themselves.

Colonel DUNNE had heard with great pleasure the observation of the right hon. Member for Northampton, that in Ireland these matters should be managed in as local a manner as possible. Every Irishman was, he believed, agreed upon that point. A great many things were committed to the Board of Works which they ought not to manage, the fisheries for example. He did not wish to get rid of the Board of Works altogether, but he desired to see a separate board for the fisheries.

Mr. HENLEY asked whether the accounts of the Board of Works with the Treasury had been brought up nearer than they were two or three years ago, when they were much in arrear, and when it was said in excuse, that the board was so overwhelmed with its duties that it had no time to make up the accounts.

The CHANCELLOR of the EXCHEQUER said, the arrear which had accumulated in bringing up the accounts of the Board of Works was as near as possible wiped off.

Vote agreed to.

SUPPLY—SECRET SERVICE.

(7.) Motion made, and Question proposed—

> "That a sum, not exceeding 35,000*l.*, be granted to Her Majesty, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the 31st day of March, 1851."

Colonel SIBTHORP said, here was a vote for 35,000*l.*, nobody knew for what. Now, he contended that the expenditure of money taken from the pockets of the people ought to be made known. Then it was so remarkable that about the same sum should always be demanded. There was never any balance left from the preceding year to be carried to the current year; but the demand was nearly the same. Surely the Chancellor of the Exchequer ought not to be ashamed of the balance in his hands. He could not conceive what was paid for out of this vote. He had sometimes thought that the white bait dinner might be included in it. He had never been able to make out what Secret Service Money was spent in, and he feared that the Government were ashamed to tell. But until the fact should be known, ugly suspicions would be entertained that it was devoted to very improper purposes. If hon. Members would only back him, he would knock the whole thing overboard. However, as the matter was, he would be contented with knocking down half, and then with the stipulation that the House should see what the money was wanted for; and he had no doubt, if this House would let the Government have only half they asked for, they would be glad enough to come forward and show reasons for wanting more. But he contended it was a most dangerous practice to throw money about loose after this fashion. He should now propose a Motion, if hon. Members would support him. He would first try to reduce the grant of the whole sum to 25,000*l.*

Whereupon Motion made, and Question put—

> "That a sum, not exceeding 25,000*l.*, be granted to Her Majesty, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the 31st day of March, 1851."

Mr. HUME said, there might have been a time when Secret Service Money was required, but since the war he did not see what necessity there was for it. When he first objected to this vote, he satisfied himself that a large proportion of the money was given in pensions to individuals who came from other places and in a variety of ways which it was not possible to prevent. But he should have expected that the incumbrances would fall off. It was true there was a reduction in the vote this year from 39,000*l.* to 35,000*l.*; but that was not enough, and he should like to know on what principle the reduction took place. He believed that five-sixths of the whole went to the Foreign Office. If the money was spent, it should be spent aboveboard. All attempts at bribery were improper. Besides this vote of 35,000*l.* there was 10,000*l.* charged on the Civil List, which made the whole Secret Service Money 45,000*l.* He should have no objection to do away with the vote altogether; but as he believed there were incumbrances upon it, he would suggest to the hon. and gallant Member to get at its extinction gradually, and to move that the vote be reduced by 10,000*l.* this year.

Mr. S. CRAWFORD said, that no grant ought to be viewed with more jealousy by the representatives of the people than this grant of Secret Service Money.

Lord J. MANNERS called on some Member of the Government to give information to the Committee on the subject of the vote.

Lord J. RUSSELL said, that the vote was one which could not be explained. Secret Service Money implied that it could not be made public. They only asked for it as in former years, in order that it might be applied to the public service.

Mr. SPOONER wished for some explanation as to the reduction in the amount of the vote.

Lord J. RUSSELL said, that if the hon. Gentleman was not satisfied that there should be a reduction, he would be ready to take the same sum that was voted on former occasions.

Mr. DUNCAN said, that as no explanation could be given, the only alternative was that the House of Commons should not grant the money.

The Committee divided:—Ayes 44; Noes 83: Majority 39.

Original Question put, and agreed to.

SUPPLY—STATIONERY, PRINTING, &c.

(8.) 210,877*l.*, Stationery, Printing, &c. Public Departments.

Mr. REYNOLDS objected to the grant. He found that all that Ireland had received during the year in stationery amounted to 300*l.* How was that to be accounted for? By the fact, that the paper was chiefly made in London, and transmitted at great expense to Dublin. Thus, the Irish tradesman was robbed of his profits and his right to the printing and making of stationery for Irish use. The same principle was carried out in the Stamp Office, the law courts, and all the public departments in Dublin. He was told that this was right in carrying out the spirit of centralisation; but towards the people it was a gross injustice, and an injustice too towards the people of England, for the work could be done cheaper in Dublin, and also it would then cost nothing for transmission. He begged the attention of the Chancellor of the Exchequer to this subject. He believed that if Ireland had her fair portion of these enormous contracts, the result would have been, instead of 300*l.* for stationery, it would be somewhere about 80,000*l.* In the name of his constituents and his countrymen at large, he protested against the continuance of the present system as regarded Ireland; and he desired to know why Ireland should be deprived of this benefit? If Ireland was to be considered an integral part of the empire, she ought to have her fair share. Was the right hon. the Chancellor of the Exchequer aware that a resolution of the Lords of the Treasury, or of some department of the Treasury, existed, declaring that all the printing for the public departments of Ireland ought to be executed in Dublin, and not in London?

Mr. CORNEWALL LEWIS said, that if the right hon. Member would look at the estimate, he would see that the vote was for the whole amount of printing and stationery for the whole country, including the great amount for England, and reckoning the Parliamentary printing. There was the obvious cause of the apparent inequality complained of by the right hon. Gentleman. But the whole of the paper and printing for Ireland had been supplied through Irish factors and stationers. There was a stationer in Dublin who furnished the articles and executed the printing of the reports of a great many of the commissions and public boards in that city. These were printed by the Queen's printer, and sent over here by him. There were on the table of the House a great many reports which had been transmitted in a printed form from Dublin. So the Queen's stationer furnished the offices in the same manner as in London. He was not aware of the existence of any such Treasury resolution or minute as that referred to by the right hon. Member, but he would make inquiry into the subject.

Mr. REYNOLDS denied that to be the case, and alleged that there was no such office in Ireland as the Queen's stationer. There was an office, indeed, conducted by Messrs. Grierson and Son, as the Queen's printing-office; but their occupation was chiefly confined to printing the *Dublin Gazette*, and an occasional small order from the Government. In one year the total amount of printing paid for by the Excise Board of Ireland did not exceed 5*l.* Where was the printing for that board performed, for printing it was compelled to have? He hoped the Government would make inquiry of Mr. M'Culloch, who was at the head of the Stationery Office, but was no friend to Ireland, and that the Irish tradesman would no longer be defrauded, but that printing for the Irish Government would be given out where it ought to be done, namely, in Dublin.

Mr. HUME had been chairman of the Committee on these subjects, and he found, by the evidence taken before them, that in Scotland the public printing had amounted to 13,000*l.* a year, and that it could be done in London for 4,000*l.* While the Customs and Excise were different establishments in Scotland and England, the case of Scotland might have been different; but when the Excise and Customs in Scotland were put under the same board, it was found that the quantity required by Scotland could be sent down at the amount of saving he had mentioned, and the office of Queen's printer in Scotland was put an end to. There was 100*l.* for the catalogues of the National Gallery, which were sold at the doors for 1*d.* a piece, and which therefore ought, he presumed, to pay for the expense of printing them. There was also a sum of 6,500*l.* for the *London Gazette*, for the printing of which he understood a contract had been entered into some months since. He desired that the accounts of the *Gazette* should be made public, that the House might be better able to judge of the charges made on account of it. There was also a charge for the sheriffs' court in Scotland, which was a patent office maintained by fees, and another for the *Edinburgh Gazette*. He suggested that the price of the *London Gazette* ought to be lowered, the effect of which, he believed, would be to quadruple its sale. There was also an item of 2,000*l.* for the promulgation of Acts of Parliament. In 1806, it was determined that a copy of every Act of Parliament should be lodged in every court of justice in the country, and 5,000 Acts had been distributed in accordance with that rule; but he believed that the magistrates of the various courts generally put the Acts in their pockets, and that they were not deposited in the various courts of justice at all. He would suggest that every public office should have copies of Acts of Parliament on paying for them, and the charge might be entered in their accounts. He proposed to strike out the different items he had mentioned.

The CHANCELLOR OF THE EXCHEQUER said, that the great object for some time past had been to bring the different departments connected with the printing of public documents into one, and to place it under the control of one responsible officer, and a saving of 42,000*l.* had been effected by that means. He was rather surprised to hear the objections just raised by his hon. Friend, as they were directly in opposition to a system which he had himself recommended, namely, that they should take away these charges from each particular department, and put them under one general responsible head. If they were now to act upon the advice of his hon. Friend, they would be undoing all they had done, and would have been devoting a great deal of time and money in a most unavailing manner.

MR. HUME must tell his right hon. Friend that "none are so deaf as those who are unwilling to hear." It was needless to tell him (Mr. Hume) of the advantages of having all the public printing under the management of a single department, because he was the chairman of the Committee who had recommended the adoption of that plan. He only complained of the unnecessary expense incurred in certain departments. The War Office, for instance, was supplied with stationery at a price 300 per cent above what need be paid. His suggestion was, that there should be one office, but that each department should be charged with the amount proper to it. However, he did not want to apply that principle to public offices, but only to trading concerns like the *London Gazette*.

MR. NEWDEGATE thought that the amount which would be saved by not promulgating Acts of Parliament would be small, and that it was not a point on which a saving ought to be effected. A greater saving was to be made by the manner in which the accounts were consolidated, than by any reduction in the cost of printing. There should be less printing, but that which was printed should be more available for use than the enormous volumes which were now printed. The Home and other departments of the Government should follow in this matter the example of the United States, where the public accounts were laid on the table of the Senate before the 10th of June last, including not only all the items which our accounts gave, but agricultural, shipping, and other statistics in the utmost variety of detail. In this country small returns were constantly called for, which would not be required if complete accounts were supplied at an earlier date.

MR. LABOUCHERE said, that the delay of which the hon. Member complained, arose, as far as the Board of Trade was concerned, from the length of time that was required to procure returns from the colonies and foreign countries. He (Mr. Labouchere) had communicated with the Secretaries for the Colonial and Foreign Departments, and they had undertaken to procure from the diplomatic agents abroad the statistical information which was required.

MR. NEWDEGATE said, that the Government of this country did not render its consular establishments abroad so available for the transmission of commercial information as the Governments of other countries.

MR. V. SMITH said, that very considerable improvements had been made, and were still progressing, in the mode of printing the Parliamentary papers; and, among other features, in the preparation of abstracts, in which items alone a saving of 8,000*l.* had this year been effected. He could also state that, by fresh arrangements with the printers to the House, a reduction of 10 per cent in the cost of printing had been effected this year; and that a further reduction of 10 per cent would take place next year. Still the whole system of Parliamentary returns and papers required the closest observation. There seemed absolutely no discrimination exercised on the part of Committees of the House as to printing evidence, and papers, and reports; everything, good, bad, and indifferent, was sent off to the printers, whereas very much that was printed might quite as usefully remain in manuscript. He saw among other items of this estimate 1,000*l.* for the Railway Board; this appeared to him a very unreasonable charge.

Mr. CORNEWALL LEWIS said, that no printing for the Government offices could be executed without authority from the Secretary of State, and such authority was never given without due inquiry. With regard to the printing for the Railway Board, it was merely an estimate, and might not all be expended.

Mr. W. BROWN wished to ask a question respecting agricultural statistics. He thought it very desirable that they should be obtained, and as full as possible. They had already had them from Ireland, and they were very striking and valuable.

Mr. REYNOLDS said, that if the Irish Government printing were left in Dublin, he would undertake that it should be done 20 per cent under the English charges.

Mr. CORNEWALL LEWIS said, that the charge for the printing of the catalogues of the National Gallery was the balance over the produce of the sale.

Lord J. MANNERS would ask, upon whom were the effects of a diminution of printing and other expenses to fall? Was it to be upon the working people or their employers? There was a strong feeling pervading the great body of the working classes in this metropolis with respect to the contract system which was so largely carried out. He thought it would be very unfortunate if that system were extended further.

Mr. COBDEN said, that if they had a California under the table, there might be some force in the noble Lord's observation; but seeing that the taxes came principally out of the pockets of the working people, he did not see how they could be served by wasting these taxes. But the object for which he had principally risen was to renew a petition he had made last year in favour of the octavo form in printing Government papers. It had already been tried, and had proved very successful. The booksellers had discarded the old quarto form; nobody would buy quarto volumes, and they had no shelves in their libraries for them. He believed that the substitution of the octavo form would cause a saving of 20 per cent, and he did not see why it should not be adopted.

Mr. FRENCH pressed for an answer to the proposal of his right hon. Friend the Lord Mayor of Dublin.

The CHANCELLOR of the EXCHEQUER said, he could not place much confidence in such volunteer offers as that of the right hon. Member for Dublin.

Mr. CARDWELL could inform the hon. Member for the West Riding that the Printing Committee were trying the experiment of the octavo form with every prospect of success. He was also glad to know that the same experiment was being tried in another place.

Mr. HENLEY hoped that in adopting the octavo form, they would not make the figures too small. At present old eyes had much difficulty in deciphering them.

Mr. GOULBURN could corroborate his hon. Friend, especially as regarded the prison returns.

Mr. DISRAELI hoped that the octavo form would be that hereafter employed in printing Parliamentary books. As to these publications themselves, he observed hon. Gentlemen were exceedingly apt to indulge in easy sneers upon blue books and their contents, but in his opinion there were no works sent from the press which contained a greater body of continuous and valuable information: whether for depth of investigation or amplitude of detail, he would back the blue books against the great mass of literature—productions that assumed much higher pretensions.

Colonel DUNNE said, it appeared the cost of printing for the military in Ireland was somewhat less than 700*l.*, though there was a force of 36,000 men in that country. The charge for printing for the constabulary, who numbered only 12,000 men, was, however, 1,000*l.*; and there was another charge of 1,700*l.* for "police." He should like to know what was the difference between constabulary and police in Ireland? Although the charge for printing for the Irish Poor Law Commission was 2,000*l.*, in the amount required by the English Commission there was an additional or supplementary charge in this vote of 1,500*l.* "for the Poor Law Commissioners." He thought the Government ought to afford the Committee some explanation on these subjects.

Vote agreed to.

SUPPLY—NATIONAL GALLERY (SCOTLAND).

(9.) 10,000*l.*, National Gallery, in Scotland.

Mr. BRIGHT wished some further information to be laid before the House on this subject.— [Sir W. G. Craig: The papers have been laid on the table.] He had not received the papers. Edinburgh was a place where people were very competent to do these things themselves. He did not see why Edinburgh should have such votes, when Liverpool and Manchester had nothing of the kind. He protested in principle against such a vote for the city of Edinburgh.

Mr. HUME said, that some of his Friends around him were very anxious that the House should consider this to be his job. He considered it a reproach to the country that Scotland had not some establishment to promote the fine arts. The school of art had arisen under great disadvantages, and it was now acquiring such a station that the Government might fairly give it some assistance. There were many persons who knew much better than he did, the value of the works done by some of his countrymen. It was for the promotion of science and art generally, that this sum was now asked for. The city of Edinburgh had come forward with 14,000*l.* It was a grievous thing that on a rainy day the working classes were obliged to have recourse to public-houses, as the only museum they had an opportunity of visiting.

Mr. DISRAELI would be glad to know who was responsible for the manner in which this vote was proposed. It was signed "W. G. Hayter," and the vote for the Edinburgh galleries was preceded by these words—"The sum proposed to be contributed by the Government towards this important object is 25,000*l.*" That was the sort of language found in the advertisements of the late Mr. George Robins; but he had never heard of epithets of this description being interlarded in votes of public money. It seemed as if it was thought the Committee were not competent to form an opinion upon the vote, and he hoped this new system of description would not be followed.

Mr. V. SMITH said, that the manner in which this vote was originally introduced was very objectionable, but it was now altered. The Government had furnished a great deal of information on this subject. He wished, however, for further information as to how the building was to be carried on, and under whose superintendence. It appeared that the building was to be erected on the Mound at Edinburgh, which was certainly one of the finest sites in Europe; and he hoped, now his hon. Friend the Member for Edinburgh had got this vote, he would get those to superintend the work who would produce an edifice worthy of the nation and of the purpose for which it was designed.

Mr. BRIGHT said, that on looking over this item he found something which made him think that the whole of this detail was done for the purpose of making things pleasant in the House. He had had an opportunity of speaking under the gallery one evening with a gentleman high in authority in Edinburgh on this subject, and although he understood that the city of Edinburgh was to give the site for this building for some 1,000*l.*, there seemed to have been put down a sum of 4,000*l.* That was one point which made him doubt the accuracy of the whole of this statement. He had learnt, on very good authority, that the city of Edinburgh was afflicted with a superabundance of money in the charitable institutions. There had been foolish old men who had died and left large sums of money for charitable purposes, and he had it on the best authority that the population of Edinburgh was suffering from the extraordinary amount of money which was constantly going through the hospitals, by which children were withdrawn from the superintendence of their parents, and reared in a manner not favourable to their own good or the public good. If the city of Edinburgh, having this superabundance of money, did this mischief, would it not be better for the House to pass an Act of Parliament to apply some of these funds mischievously employed for purposes of this nature? It might be a better thing than coming to the House for a vote of 10,000*l.* In the case of Heriot's Hospital an Act of Parliament had been obtained by which a considerable portion of the funds had been applied from the will of the founder. There were three schools in various parts of this city. The money got in this way was laid out in the adornment of magnificent buildings, because there was no other object upon which you could bestow it.

Sir W. G. CRAIG said, that that portion of the site on the Mound which belonged to the corporation of Edinburgh would be purchased for 1,000*l.*, but the other portion of ground which would be required, belonging to the Royal Society, would cost 3,000*l.* Mr. Playfair, the greatest living architect in Scotland, would have the superintendence of the building, and he would take care that the money was properly expended. As for the charitable institutions alluded to by the hon. Member for Manchester, he would remind him that they were strictly laid up for particular objects, and they could not divert the funds belonging to them. An attempt was made last year to make a very slight change in one of their charities, but the Bill was rejected by the House of Lords on the ground of such interference.

Vote agreed to.

House resumed. Resolutions to be reported To-morrow.

THE DUKE OF CAMBRIDGE'S, &c., ANNUITY BILL.

House in Committee.

Clause 1, page 2, line 16.

Motion made, and Question proposed, "That the blank be filled with 12,000*l.*"

Mr. HUME said, that he had given notice that he would move that the blank should be filled up with the sum of 8,000*l.*, the amount which was given to the Duke of Gloucester when he was placed in a similar position. The Duke of Gloucester bore the same relationship to the then reigning Sovereign as the Duke of Cambridge did to the present Sovereign. It had, however, been suggested to him that 10,000*l.* would be considered as the sum more likely to be agreed to by the House. He would, therefore, propose that instead of 8,000*l.*, the sum of 10,000*l.* should be inserted, as he thought there was some hope and chance of carrying it.

Whereupon Motion made, and Question put, "That the blank be filled with 10,000*l.*"

Mr. ROEBUCK wished to suggest one consideration to his hon. Friend the Member for Montrose, and asked him to consider why this Royal Duke should have such a high sum. He quite acknowledged that as long as they had a Royal Family there should be an adequate provision for a certain portion of them; but it was a matter of very great importance to know when individuals connected with that family should cease to have a claim. There should be some line drawn; and it should be laid down as a rule that the further those individuals were removed in relationship from the Sovereign, the less should be the demand. He agreed that persons in the position of His Royal Highness the Duke of Cambridge should be provided for; but they ought to judge of the manner in which he was to be provided for by the habits of the people of this country. Now, 10,000*l.* was a very large sum of money; and they ought to recollect that the late Duke of Cambridge had, when he was alive, 24,000*l.* a year. [Mr. Hume: 27,000*l.* a year, besides his regiments.] Yes, independent of them. The late Duke died, and 3,000*l.* a year was left to each of his daughters. and 6,000*l.* a year went to his widow, and both these sums, together with the 12,000*l.* which was now proposed for the Duke of Cambridge, would make the sum of 24,000*l.* as a provision for His Royal Highness's family. Now let them recollect that Her Majesty the Queen had been so fruitful as to produce to the country several children, every one of whom would have the same claim, and they would have a multiplication of applications for grants of this description. Now he wanted to know where were these applications to end. It might appear an indelicate proceeding to enter into discussions of this nature; but they should consider that these sums were wrung from the hard earnings of the working population of this country, and it was their duty to look to the sources from which they were derived. What he proposed was, that these Princes should be supported in that sort of decent splendour which was compatible with their situation. He thought that the sum which the hon. Member for Montrose mentioned was a great way beyond what he wished to be considered as the amount necessary to support a Prince in that decent degree of splendour. He trusted the House would not sanction the grant of 24,000*l.* a year to this family. As for the grant to the present King of Hanover, they might lay that out of the question; but still they could not forget that the money was still paid to him. Now he wanted to know where this was to end? He supposed that the Duke of Cambridge would marry, and that naturally he would have a family. Was that family to be provided for by the country also? What he felt was that they ought now to begin by cutting down these incomes to the lowest degree possible, and he would propose that the sum of 5,000*l.* be put to fill up the blank.

Mr. W. BROWN said, that he could not agree that so large a sum as 12,000*l.* was necessary to support the dignity of the Duke of Cambridge. He thought that when they considered the small amount which was given to Ministers of State who, in consequence of their duties to the country, had hardly time to eat, drink, or sleep, and who must always have great and anxious responsibilities, that they must think 12,000*l.* a very large annual income to give to a person who was not called upon for this wear and tear of constitution, and had little responsibility or claims upon his time. When they looked at the enormous taxation in this country, they could not contemplate any vote that could be more unpopular than this; and they should remember that the Duke of Cambridge was neither heir apparent nor heir presumptive. They must really hold their hands somewhere in giving these large grants, and he thought it ought to commence here. At the same time, he was sure that the loyalty of Her Majesty's subjects would ever make them willing to support the Crown and its immediate descendants with munificence, and in splendour. He could easily fancy that the Gentlemen on the Ministerial benches, and those who hoped to be there, were placed in a position of great delicacy; and it was not unnatural to think that hon. Members on the opposite benches (the protectionists) would consider it a less evil to throw the responsibility of an unpopular measure on the Government, which would weaken their hold to office, rather than that they should continue to occupy the Ministerial benches, which they might fancy would be better filled by others. He was not, therefore, surprised at their opposing the Amendment of the hon. Member for Montrose, nor in their concurring in that which would be damaging to Ministers. He therefore hoped that those Gentlemen around him who looked to what was just and right, would unite in resisting this unpopular and unnecessary grant of 12,000*l.* He would vote for the Amendment of the hon. Member for Montrose.

Mr. ROEBUCK wished to know why the sum should be more than he proposed. The Ministers of the Crown had 5,000*l.* a year, and the Judges had only 5,000*l.* a year. Every moment of the time of these men was devoted to public business, and there was not a moment in which they were not occupied for the benefit of the public. He was not now saying anything that would tend to the indignity of His Royal Highness; but he thought that 5,000*l.* was amply sufficient to support him as an English gentleman. The Prince had a sum of money left him by his father, and he understood also that he was a general officer, from which office he had a salary. All these things made up a very good income. Add to this the sum of 5,000*l.*, and it would make a perfectly sufficient sum for an English gentleman to live upon. He was performing no service to the country for this additional sum, and they were only doing their duty to the public by making it as low as possible.

Mr. AGLIONBY said, that he did not see any reason why 5,000*l.* should not be considered sufficient; but yet he could not see what good practical result could follow the Motion which had been made by the hon. and learned Member for Sheffield, when they remembered that those who voted for 8,000*l.* had been beaten by a large majority, by those who were more for Royalty than for economy. [*Cries of* "No, no!"] What, did not the hon. Gentlemen who cried "No!" beat them? [*Cries of* "Yes."] Well, then, if they voted for 12,000*l.* instead of 8,000*l.*, they were not in favour of economy. What he wished to say was this, that there was no use in dividing the House on the 5,000*l.* proposition, as they were before beaten by the Gentlemen who cried for Royalty, and were much stronger in point of numbers. They were told that a great many Gentlemen absented themselves on that occasion, because they thought that 8,000*l.* was too small a sum; it was supposed that they would think 10,000*l.* sufficient, and it was on that account that his hon. Friend the Member for Montrose was induced to move that the sum of 10,000*l.* be inserted. At the same time he should say, that if the hon. and learned Member for Sheffield pressed for a division on his Motion, he should vote for the 5,000*l.*

Lord J. RUSSELL was of opinion that it was very difficult to make any argument on the question whether 5,000*l.* or 12,000*l.* was the proper sum. Gentlemen must judge for themselves what they thought a Prince of the Royal Family required for the maintenance of his dignity, and to meet those demands which came much more on members of the Royal Family than others. It was not fair to say there was a distinction between those who were for Royalty and those who were for economy. On both sides the desire might be to do that which was best for the country, some considering the smaller sum sufficient; others thinking that, either for the credit of the country or for the public utility, it was not desirable to see a Prince of the Royal Family very much reduced in his pecuniary means. According to the arrangement of the civil list, in later times that civil list was made for the support of the Sovereign, and of the Sovereign only. When, as in former times, there was a considerable sum derived from the property of the Crown, the Crown had the means of supporting the sons and daughters either of the reigning Sovereign, or of collateral relations, out of the revenues of the Crown. But these were now merged in the public revenue, from which it was therefore necessary that a sum should be granted; and it seemed to him that 12,000*l.* was a more fitting sum than 5,000*l.*

Mr. V. SMITH said, that after taking into consideration his Royal Highness's position, and the necessities of the public, he had previously supported the Motion of the hon. Member for Montrose; and if the hon. Member had proposed that amount again, he would again have voted for it. He objected to the proposal of the hon. and learned Member for Sheffield, and he was rather surprised at his making it, considering that in a speech at Sheffield, the hon. and learned Member had formerly had the manliness to support the allowance to the Cambridge family. 5,000*l.* was evidently too little, seeing that 6,000*l.* extra had been granted to the late Duke for the maintenance of his son. He thought that justice to these royal personages required that they should know what was expected from them, as the condition of receiving public grants. If there was to be a continual pull at their purses for charitable objects, they must of course have larger allowances. The precedent cited by the hon. Member for Montrose—that of the case of the late Duke of Gloucester—was a fair and reasonable one. At the time when 8,000*l.* a year was allotted to him, the price of provisions was pretty nearly the same as at present; and when the increase was made in 1806, it was on the express ground of a rise in the principal articles of consumption. As an argument against the small grant of 5,000*l.*. he would mention that the Duke of Cambridge had recently given appointments to four equerries.

Mr. ROEBUCK wanted to know what his Royal Highness had to do with aping the fashions of Royalty by means of equerries? When he addressed his constituents on the occasion referred to by the right hon. Member for Northampton, what he said was, that it was absolutely necessary that the members of the Royal Family should be maintained out of the funds of the State, but that he considered the vote for them extravagant under the circumstances.

Mr. DISRAELI deeply regretted that any Prince of the blood should be placed in the position of His Royal Highness in having this application made to the House; but it was the Act of Parliament that placed a Prince in that position. He would not enter into a controversy as to what might be the rental of the estates of the Crown, if the Crown had been left in possession of them. If they had been properly managed, as they probably would have been if the Crown had been left to the resources of its estates for the support of its dignity, there would have been no necessity to apply to Parliament; but that was not now the question. He must confess his utter inability, if the case was to be argued upon severe principles of logic, to make out that 10,000*l.*, or 12,000*l.*, or 14,000*l.*, was the exact and proper sum to be voted; in fixing that sum he should be very much influenced by the opinion stated by the Government of the day, who of course had given to the subject the consideration it deserved. But the House must never forget the position in which they had placed the Princes of the blood. Take the peerage of England; throw your eyes over the wealthiest of our patrician houses; you would find that their wealth had been created, in the course of centuries, by marrying heiresses, that the most powerful and justly popular of our patrician houses had been established by absorbing the wealth of great heiresses to an extent which few, probably, were aware of. Such was the nature of our society, that the poor Peer of this generation would probably not be a poor Peer in the next, from the power he possessed for establishing his family. But we had passed a law which prevented a Prince of the blood founding a family by those means which the experience of the nation and the feeling of the country showed to be the means by which noble families were established. The Duke of Cambridge was an English duke—the first of the English nobility. A few months ago he was the eldest son of an English duke; did we allow him to come and stand a contest for Westminster? Did we permit him as a commoner, like the son of any other English duke, to enter the House of Commons, and, exercising what abilities he might possess, assert that position which nature justified him in fulfilling? It was said, he was paid more than a Secretary of State: did we allow him to try to be a Secretary of State? We shut him out from any such courses of honourable ambition, and means of creating a fortune. He could not be Governor General of India. We shut him out from all the public offices of life, with the exception of the military. These were restrictions we had placed upon the life, career, and fortunes of individuals in this position. To his (Mr. Disraeli's) mind they were most unnatural and unjust. We might abrogate them, and place the Prince in the position in which all other persons were placed, and then there would be some foundation for our criticism; but while these restrictions lasted, we must come to the consideration of the subject influenced by them. The Bill provided that, in the event of the Duke of Cambridge becoming King of Hanover, the annuity should terminate. It should, however, be borne in mind that in these times a man might be a king one day, and a private citizen on the next; and therefore it might be expedient to introduce a proviso that, if his Royal Highness, after exercising sovereign power, should revert to his original condition of a pure English Prince, he would be entitled to the annuity again.

Mr. ROEBUCK believed that the hon. Member for Buckinghamshire had made some mistake about the law, when he said that Prince George of Cambridge was precluded from canvassing the electors of Westminster if he had thought proper to do so. Such an application was not in accordance with custom, but there was no law against it.

Mr. BRIGHT said, that not only on that side in the House of Commons, but out of doors generally, the opinion was that the sum proposed was an extravagant one. With regard to the Marriage Act, he was no party to it, and he regarded it as one of the most absurd and wicked Acts that had ever passed; therefore that was no reason why he should vote a larger sum as an allowance to the Duke of Cambridge, than he thought necessary. He doubted also whether, if an opportunity for an advantageous marriage offered, the consent of the Crown would not be given. If the late Duke of Cambridge had been taught to look upon the House of Commons as an enemy to extravagance, he would have provided adequately for all his children, and the present Duke of Cambridge would not have been placed in this painful position. He had already the colonelcy of a regiment, which was worth 1,500*l.* a year to him, and he would, no doubt, receive other appointments from the Government, which would make his income considerably larger than the sum which the House was about to vote. He thought the noble Lord at the head of the Government had overlooked the interests of the public in proposing this large grant of 12,000*l.* He agreed with his hon. Friend the Member for South Lancashire that this would be one of the most unpopular votes of the Session, and he much feared that it would be made a precedent which this country would have cause to regret.

Mr. DISRAELI could not allow the assumption just made by the hon. Member to pass unnoticed. When the grant was first proposed, and the precedent of the Duke of Gloucester, who received 14,000*l.*, was adverted to, he (Mr. Disraeli) expressed his gratification that the smaller sum of 12,000*l.* had been fixed on by the Government, and intimated an opinion that the reduction was the result of the injurious laws which the hon. Member for Manchester had supported.

Mr. C. ANSTEY thought that enough of the public money had been voted, and would therefore move that the Chairman should report progress. ["Oh, oh!"] He was prepared for that expression of feeling, but he would state the reasons which induced him to make the proposition that had called it forth. He had waited until Thursday had ended and Friday commenced (it was now after midnight) for the performance of a promise made by the First Minister of the Crown. A rumour had reached him, not from the noble Lord, but from the city of London, that it was the intention of the Government to sacrifice the privileges of that House to the will of the House of Lords, upon a matter which he and other Members had much at heart. ["Question!"] He was speaking to the question. The question was redress of grievances before supply—the maintenance of the privileges of the House of Commons before voting public money. The noble Lord intended by his resolutions, in the first place, to postpone to next Session the question which had within the last few days agitated the public mind, and in the next place to put the privileges of the Commons at the absolute disposal of the House of Lords. That was the rumour which had reached the city of London, and from the city of London had reached him and other Members of greater importance than he was. This was what the Prime Minister intended to keep secret until he had got all the public money which he wished the House to grant, when he thought it would no longer have any control over him. He would now move that the Chairman should report progress, at the same time giving notice that, notwithstanding he was strongly indisposed to do anything offensive to the Royal Family, he would vote against granting any public money to the Duke of Cambridge or any other person, till the question respecting Baron de Rothschild was properly decided in the present Session.

Mr. NEWDEGATE thought, that as the hon. and learned Member for Youghal was acquainted with the substance of the resolutions which the noble Lord intended to propose, he might allow the business in hand to proceed. The noble Lord would doubtless presently make the statement which he was bound in good faith to submit to the House.

Mr. COBDEN begged the hon. and learned Gentleman not to press his Amendment.

Mr. W. P. WOOD complained of the conduct of the Government. In the first instance, it was understood that the resolutions promised by the noble Lord would be printed in the Votes that morning. Subsequently it was announced that they would be laid upon the table in the course of the evening before twelve o'clock. It was now a quarter past twelve.

Lord J. RUSSELL said, his hon. and learned Friend the Attorney General had been ready to state the nature of the resolutions in the course of the evening, when Mr. Speaker informed him that he would be out of order in doing so at that time. His hon. and learned Friend would bring the resolutions forward as soon as the House resumed.

Lord D. STUART thought the hon. and learned Member for Youghal was right in demanding redress of grievances before voting supply. He (Lord D. Stuart) had vainly endeavoured to extract from the noble Lord a statement of the substance of his resolutions. The House had a right to the information sought for, and the House had been very ill treated by the Government. Although the noble Lord had undertaken to lay resolutions before the House, they had not yet been presented; and under such extraordinary circumstances the hon. and learned Member for Youghal did right in interposing.

Mr. GOULBURN was as anxious as any one to know what the noble Lord's resolutions were, but he protested against the Amendment, as being opposed to the ordinary practice of the House.

Mr. C. ANSTEY thought his object was misunderstood. He did not want to force the noble Lord to a disclosure of what he was so inclined to keep secret. His desire was, that the House should retain some control over the Government by withholding the public money. For his part, he would not vote a farthing of the public money to the Duke of Cambridge or any other person until the House had an opportunity of vindicating its privileges and doing justice to the citizens of London.

Mr. AGLIONBY hoped the hon. and learned Member for Youghal would not divide, seeing that the noble Lord would state the views of Her Majesty's Government touching the admission of Baron de Rothschild at the earliest possible moment. Besides, the annuity to the Duke of Cambridge was not the last vote of supply; therefore other opportunities would arise for opposing the Government.

Mr. B. OSBORNE expressed a hope that the hon. and learned Member for Youghal would withdraw his Motion.

Motion withdrawn.

The Committee divided:—Ayes 76; Noes 105: Majority 29.

List of the Ayes.

Abdy, Sir T. N.
Aglionby, H. A.
Anstey, T. C.
Arkwright, G.
Bass, M. T.
Blair, S.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Carew, W. H. P.
Carter, J. B.
Clay, J.
Cobden, R.
Colebrooke, Sir T. E.
Crawford, W. S.
Currie, H.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, G.
Ellis, J.
Evelyn, W. J.
Fagan, W.
Fortescue, hon. J. W.
Fox, W. J.

Greene, J.
Gwyn, H.
Hall, Sir B.
Harris, R.
Headlam, T. E.
Heald, J.
Heywood, J.
Hollond, R.
Hornby, J.
Jackson, W.
Jones, Capt.
Kershaw, J.
King, hon. P. J. L.
Lennard, T. B.
Locke, J.
M'Gregor, J.
Matheson, Col.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Nugent, Lord
Nugent, Sir P.
Ogle, S. C. H.
Packe, C. W.
Pechell, Sir G. B.
Pilkington, J.
Pinney, W.
Power, Dr.
Ricardo, O.
Robartes, T. J. A.
Roebuck, J. A.
Scholefield, W.
Smith, rt. hon. R. V.
Smith, J. A.
Spearman, H. J.
Spooner, R.
Stuart, Lord D.
Tenison, E. K.
Thompson, Col.
Thompson, G.
Thornely, T.
Waddington, H. S.
Walmsley, Sir J.
Watkins, Col. L.
Wawn, J. T.
Wilcox, B. M.
Williams, J.
Wilson, M.
Wood, W. P.

TELLERS.
Hume, J.
Bright, J.

List of the NOES.

Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Barrington, Visct.
Bellew, R. M.
Berkeley, Adm.
Blackall, S. W.
Blackstone, W. S.
Boldero, H. G.
Booth, Sir R. G.
Bouverie, hon. E. P.
Cabbell, B. B.
Chatterton, Col.
Childers, J. W.
Christy, S.
Cobbold, J. C.
Cockburn, A. J. E.
Cocks, T. S.
Coles, H. B.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Davies, D. A. S.
Dickson, S.
Disraeli, B.
Dodd, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Elliot, hon. J. E.
Estcourt, J. B. B.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Gore, W. R. O.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, T.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Hallyburton, Ld. J. F. G.
Hamilton, G. A.
Hamilton, Lord C.
Hatchell, J.
Hawes, B.
Hayes, Sir E.
Henley, J. W.
Herbert, H. A.
Hervey, Lord A.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, Sir R.
Jermyn, Earl
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lewisham, Visct.
M'Cullagh, W. T.
Mahon, The O'Gorman
Manners, Lord. J.
Maule, rt. hon. F.
Morgan, O.
Napier, J.
Newdegate, C. N.
Newry and Morne, Visct.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pelham, hon. D. A.
Plowden, W. H. C.
Rawdon, Col.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Seymour, Lord
Sheil, rt. hon. R. L.
Sheridan, R. B.
Sibthorp, Col.
Somers, J. P.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Stafford, A.
Stanford, J. F.
Townley, R. G.
Trevor, hon. G. R.
Wellesley, Lord C.
Westhead, J. P. B.
Willoughby, Sir H.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.

TELLERS.
Hayter, W. G.
Hill, Lord M.

MR. HUME wished to ask the noble Lord at the head of the Government whether he would persist in the vote for 12,000*l.*, seeing that if those who were obliged to vote with him were taken away, there would be a majority for his (Mr. Hume's) Amendment? He knew, too, that there were some hon. Gentlemen on the opposite side who did not approve of the vote, and yet had voted for it under peculiar circumstances. He did not attribute motives to any hon. Member in particular; but it was to be remembered there were two classes of expectants, namely, those who were "in," and those who were expecting to get in. If these were deducted, along with the Members who were obliged to vote with Government, those who acted on behalf of the public would be in a considerable majority.

MR. BRIGHT: Can the right hon. Gentleman the Secretary at War give an answer to the question I have put respecting the appointment to the Guards? I wish to know, without any quibbling, whether the appointment of the Duke of Cambridge to the Guards has taken place or has been decided on?

MR. F. MAULE: I put the question to the Military Secretary about two days ago, and asked him if any arrangement had taken place with respect to the disposal of the regiment of Guards? Lord Fitzroy Somerset then informed me that no arrangement had taken place; and I have not heard that any arrangement has taken place as to the disposal of that regiment.

MR. BRIGHT: I wish to ask a plain question. Does not the right hon. Gentleman know that it is decided that the Duke of Cambridge is to have that regiment?

MR. F. MAULE: No, Sir, I do not.

MR. STANFORD would not have risen upon this occasion but for the imputation cast upon hon. Members sitting upon his side of the House. [Mr. HUME could assure the hon. Gentleman he did not allude to him.] He was very glad no improper motive was attributed to him; but such an imputation should not be cast upon any of the hon. Members who had supported this vote. They who supported it were actuated by principle. He could discover no principle amongst its opponents, who were shifting about from 8,000*l.* to 5,000*l.*, and then to 10,000*l.*, and who, not having any principle, merely showed their animosity against the Royal Family. In giving his vote he was sure he had done that which would be popular; for the people of this country desired to maintain the Royal Family with proper dignity. The people of this country saw that the late Duke of Cambridge, though possessing a large income, had died a poor man; and this solely because he was so benevolent, so generous, and so gracious in his patronage and support of their several charities. He had a right to express his reasons for giving the vote he had done on this occasion; and, in addition to the other arguments that had been brought forward in supporting it, he could not avoid adverting to the fact, that their aristocracy had large fortunes, that their merchants had large fortunes, and even their tradesmen were able to clear from 12,000*l.* to 14,000*l.* a year; and that, therefore, 12,000*l.* a year to a Prince of the blood, with large demands upon him, such as none of those persons had, could not be considered too large a sum to grant him. It certainly could not be called extravagant; and in supporting such a vote he certainly could not be called an expectant, for he did not participate in the Royal Family entertainments, and he believed his constituency would consider that he had given a right vote.

Lord J. RUSSELL said that, in answer to the question put to him by the hon. Member for Montrose, he could only say, that after having brought forward this vote seriously as the proposition of the Government, and having been supported by a majority of the House, he certainly should adhere to the vote.

Mr. ROEBUCK protested against an observation of the hon. Member for Reading. He (Mr. Roebuck) had thought it his duty to propose 5,000*l.*, and his hon. Friend had thought it right, that Amendment not being pressed, to propose 10,000*l.*; and for the hon. Gentleman to insinuate that in that there was any enmity towards the Royal Family was unworthy of the hon. Gentleman himself, and of him (Mr. Roebuck) to answer it.

Lord C. HAMILTON said, the hon. Member for Montrose had said the majority in favour of this vote consisted of those who were in office, and those who expected it; but he would ask the hon. Gentleman, whether those who opposed the vote might not consist of a third party—those who had been disappointed?

House resumed.

Bill reported as amended.

To be considered To-morrow.

THE BARON DE ROTHSCHILD.

The ATTORNEY GENERAL said, if the House would permit him, before the next Order of the Day was read, he begged to give notice that he should, on Monday next, move the two following Resolutions:—

> "1. That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House or to sit in this House during any debate, until he shall have taken the oath of abjuration in the form appointed by law."

After that was disposed of he should propose this Resolution:—

> "2. That this House will, at the earliest opportunity in the next Session of Parliament take into its serious consideration the form of the oath of abjuration, with a view to relieve Her Majesty's subjects professing the Jewish religion."

COPYRIGHT OF DESIGNS ACT AMENDMENT BILL.

Order for Second Reading read.

Colonel SIBTHORP said, he wished to call the attention of the House to the different opinions which had been expressed by the late Attorney General and the present Attorney General with respect to the intended use of Hyde Park for the proposed Exhibition in 1851. Sir J. Jervis had stated—

> "On the accession in each reign the parks, as well as the hereditary revenues of the Crown, were transferred to the Woods and Forests as trustees for the public. * * So long as the public—*cestuique trusts*—did not interfere, the commissioners had a right to erect buildings."

But the present Attorney General said a few evenings ago—

> "There was no right in the public to the enjoyment of the parks. * * The enjoyment of them depended solely on the grace and favour of the Crown. It was alleged that the Woods and Forests were trustees for the public. This he conceived not to be the law."

That being the case, who was to decide? There were Lord Brougham, Lord Campbell, Mr. Justice Cresswell, Sir F. Kelly, Mr. Rolf, and, in fact, eight eminent lawyers to one, that these parks were the property of the public. He gave notice that next Session he should take the sense of House upon the vote for the support of the Parks, and the salaries of the officers of Woods and Forests.

In answer to a question from Mr. GROGAN,

MR. LABOUCHERE stated, that the Bill had a double object—one was for the protection of designs generally, and the other was to protect from piracy those articles which might be Exhibited at the Exposition of 1851, or any other public exhibition.

MR. SPOONER said, the House had had no pledge that in case of a deficiency for the purpose of the Exhibition of 1851, they should not be called upon to make up that deficiency. He objected, therefore, to the House pledging itself to the necessity of, or to the benefit likely to arise from the proposed Exhibition.

In answer to a question from Colonel DUNNE,

MR. LABOUCHERE said, the Bill was not intended to revise and amend the law of patents.

MR. NEWDEGATE said, that his constituents would, he feared, very much object to this Bill, since it would prohibit them from improving their designs and manufactures, which they were anxious to do.

The ATTORNEY GENERAL said, that he believed the hon. Gentleman's constituents would be just the persons to wish it to pass. Persons who made inventions never allowed them to become public until they had secured a right to them by patent; and under this Bill the exhibition of these articles would not be such a publication as would prevent the obtaining of a patent.

MR. HENLEY objected that the Bill was a one-sided measure. It protected the inventions of the foreigner, but did not protect English inventions from the piracy of foreigners.

Bill read 2°, and committed for Monday next.

LANDLORD AND TENANT (IRELAND) (No. 2) BILL.

Order read for resuming Adjourned Debate on Amendment proposed to be made to Question [31st July], "That the Bill be now read a Second Time," and which Amendment was to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question again proposed, "That the word 'now' stand part of the Question."

MR. G. A. HAMILTON moved the second reading of this Bill, and gave notice that he should strike out all the clauses but those which related to the fraudulent cutting and removal of crops in order to evade the payment of rent, and that he should alter the title of the Bill in accordance with this object.

MR. MOORE moved as an Amendment, that the debate be adjourned.

MR. REYNOLDS asked why the House should be called upon, at half-past one o'clock in the morning, to discuss such a one-sided measure as this? Let hon. Members read the admirable charge of Baron Pennefather in the *Times* of that morning, when pronouncing sentence upon a landlord for murder. He thought the sentence in that case a lenient one, and that the person convicted ought to have been sent to a penal colony. But ought they to be passing a Bill to arm the landlords with fresh power?

MR. B. OSBORNE denounced the speech of the right hon. Member for Dublin, as a class speech of the most ferocious character. He had held up the Irish landlords as extortionate and as murderers. [Mr. REYNOLDS denied this.] That was the inference to be drawn. He had seen the system of cutting the crops and defrauding the landlords pursued to such an extent that he was convinced the House ought to come to some legislation on the subject.

MR. NAPIER thought that if this Bill, or something tantamount to it, had been law last year, some unfortunate circumstances attended with bloodshed and the loss of life would have been prevented.

Motion made, and Question put, "That the debate be now adjourned,"

The House divided:—Ayes 6; Noes 75: Majority 69.

MR. TORRENS M'CULLAGH characterised the Bill as one of a very injurious character, and stated that, at a future stage, he would express his opinions more fully regarding it. To discuss the Bill at that late hour would be a perfect farce; but he would take the opportunity of saying that no Minister, nor, indeed, any Member of that House, would dare to introduce such a measure for England; though, by the mere force of numbers, they were prepared to impose it upon Ireland.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 70; Noes 6: Majority 64.

Bill read 2°, and committed for To-morrow.

THE MUNICIPAL CORPORATIONS (IRELAND) BILL.

Order for Committee read.

Mr. W. SOMERVILLE moved, that the House go into Committee on this Bill.

Mr. REYNOLDS hoped, that at that late hour the right hon. Gentleman would not proceed with the Bill.

Sir W. SOMERVILLE said, he had that day postponed the Bill to suit the convenience of the right hon. Gentleman, on the understanding that no opposition would be offered to its being proceeded with after the other Orders of the Day.

Mr. REYNOLDS said, it was true he had given his reluctant consent to that arrangement, but he did not expect that the Motion would come on so late as two o'clock in the morning. The hon. and learned Gentleman the Solicitor General for Ireland had on a former occasion stated that this Bill was the result of a compact; but he (Mr. Reynolds) denied that any compact whatever had been entered into with his constituents. The hon. and learned Gentleman, at the same time, took the opportunity of sneering at his (Mr. Reynolds') constituents, and of remarking that he (Mr. Reynolds) had said that he was the representative of the respectable electors of the city of Dublin; or that, at least, he (Mr. Reynolds) thought so. Well, he did think so; and he thought so still. And he would take the opportunity of telling the hon. and learned Gentleman, that his (the Solicitor General's) superior in office (the Attorney General for Ireland) was the first man who recorded his vote in his (Mr. Reynolds') favour at his election. He had not the honour of being acquainted with that hon. and learned Gentleman, but he begged to say that he had been elected by a large majority of the citizens of Dublin, among whom he had lived during the whole of his life, and that he had not been compelled to seek a seat in an English rotten borough.

House resumed.

Bill reported, without amendment.

House adjourned at half-after Two o'clock.

HOUSE OF LORDS,

Friday, August 2, 1850.

Minutes.] A Conference.—County Court Extension.

Public Bills.—1ª Commons Inclosure (No. 2); Excise Sugar and Licences; Securities (Ireland) Act Amendment.

2ª Cruelty to Animals (Scotland); Borough Gaols; Public Libraries and Museums; Engines for taking Fish (Ireland); Administration of Justice in Court of Chancery Acts Continuance; Mercantile Marine (No. 2).

Reported.—Navy Pay.

3ª General Board of Health (No. 2); Bills of Exchange; Turnpike Acts Continuance, &c.

THE EXHIBITION OF THE WORKS OF INDUSTRY—HYDE PARK.

Lord BROUGHAM then rose to put a question to his noble Friend the President of the Council, on what he called the interminable subject of Hyde Park, and spoke nearly as follows:—I understand, my Lords, that huge operations are already commenced, and no doubt will continue to be carried on, for the destruction of Hyde Park, and of the road leading from Hyde Park-corner to Kensington. I understand that it is projected to pave that great road, which is now very easily and comfortably travelled on by all the many inhabitants who now live on the left hand side of it, Judges, and others. I understand that it is now begun to be paved with those great paving-stones which are now very much discontinued even in the most bustling parts of the town. I am told that this country road, this suburban road, is to be paved with huge blocks of granite, to make a road fit for great traffic, and to facilitate the works intended to be erected in the Park itself. I ask my noble Friend whether that is true or not? Now, I also hear that a similar paving operation, a similar process of granite, is about to take place in that part of the Park which is known as Rotten-row—a part of the Park with which I am not much acquainted; but which, I understand, is a road on which equestrians are wont to disport themselves. Whether that be true or not, I cannot tell; but if it be true, then the road will be rendered more safe for waggons to travel on, but not so safe for my noble Friend opposite to ride upon, as I am told that he is in the habit of doing. So my noble Friend will see that he, too, is interested in this question. But, my Lords, this is a minor matter when compared with the new law which we now live under—the law whereby the Attorney General is the sole judge in all cases between his client, the Crown, and all other parties, I mean the public, and individuals having their rights damnified, or threatened to be damnified, by the power of the Crown. The Attorney General now stifles all proceedings and suits by the subject against the Crown—the Attorney General now shuts the doors of all the courts, which ought to be as open to the subject as to the Crown, and decides judicially, ay, and more than judicially, for no Judge could prevent a suitor coming to his court, and having his case argued openly, in his own private closet against one party and in favour of the other. And the judicial character which Mr. Attorney General assumes is this. But I will first read what Sir Robert Wilmot, once Chief Justice of the Court of Common Pleas, has said upon this very subject. What says he of the Attorney General?—

> "The Attorney General is instructed by the King, and not by the constitution. It is the King who is instructed by the constitution. The great ability of the persons appointed to the office of Attorney General has made it higher in imagination, and has given it more importance in the eyes of the public, than it really deserves to have; for the Attorney General is but an attorney, though it be of the King, and stands in no different relation to his client than any other attorney to his employer."

But the Attorney General of the Queen now assumes to himself judicial functions, and says, "I act judicially." And how? By not hearing the parties; by shutting the doors of the court in the face of the public; by giving judgment in his own closet in behalf of his own employer, whose servant he is, against the other party. This is what is now said to be a judicial officer, acting judicially. All depends on the way in which the power of the Attorney General is exercised. I do not, my Lords, deny his power, but I question the way in which it has been exercised. I have brought this matter before your Lordships in order that you may know and understand the law under which you are living; and I say that there is no great or petty prince in Germany, Turkey, or even Russia, who exercises a power more absolute in dealing with the property of his subjects than the constitutional Sovereign of this country, provided that this power claimed and exercised by the Attorney General can be legally enforced as he enforces it in the teeth, not of a doubt—for that might be enough to justify him—but in the teeth of the opinion of three most eminent lawyers, who have answered more cases by thousands and thousands than have ever been answered by the present Attorney General, or by him and the Solicitor General to boot. I state this as a positive matter of fact. In the whole course of my professional career I never stated any case before your Lordships, I never brought any question before this House, I never made any address on any subject either to you, my Lords, or to the other House of Parliament, which was ever attended by more applause than my speech on a late occasion, and never were heartfelt thanks more gratefully and cordially rendered to me by persons in private — some of them Members of this House, and other Members of the other House of Parliament—than those which have been rendered to me for my exertions on that occasion. Dead silence there was within your Lordships' walls—dead silence there was within the walls of the House of Commons, showing most painfully that absolute prostration of the understanding which takes place even in the minds of the bravest men when the word "prince" is mentioned in this country.

The LORD CHANCELLOR: My Lords, I hope that my hon. and learned Friend will not consider that he is always right when he gains applause. There are very few subjects which fall into the hands of my hon. and learned Friend, on which he is not likely, when he speaks, to obtain applause. He says that the House was struck with silence the other night when he spoke on this subject. I listened to my hon. and learned Friend's speech on that occasion with all the attention and respect which I trust that I shall always give to every word that falls from his lips. I did not, however, remain silent because I thought that he was right, but because I thought that the discussion was altogether irrelevant, and because it was just possible that the whole question might come before me in my judicial capacity as Lord Chancellor. My noble and learned Friend has thought fit, in the exercise of his discretion, to censure the Attorney General very severely. He thinks, of course, that he is right in making such an attack upon the absent; but I shall endeavour to satisfy him and your Lordships that he is perfectly erroneous in his opinion, and that the Attorney General has acted all throughout these matters in a perfectly legal and constitutional manner. I don't intend, my Lords, to say now whether the exercise of his discretion has been sound or not. I forbear for several reasons from answering my noble and learned Friend on that point. I was informed that it was the intention of several parties to bring a Motion into the Court of Chancery to put a stop to the proceedings in Hyde Park by means of an injunction. As I consider it possible that it might thus come before me as Lord Chancellor, I did not think it right to take any share in the discussion on that occasion. I have already stated, my Lords, the reasons why I was silent; but when my noble and learned Friend says that the other House was equally silent, I think that he cannot have consulted the ordinary vehicles of information, by which we obtain intelligence of what is passing in that assembly; for the Attorney General there made a most satisfactory answer to the objections urged against his conduct—an answer which, if my noble and learned Friend will give us a legitimate opportunity for debate, I will undertake to prove was in every respect a legal and substantial answer. Such topics, as my noble and learned Friend well knows how to introduce, are likely to make an impression on those who are not aware of the nature and duties of the office of Attorney General. But I must be permitted to tell him, that when he cited this evening the opinion of Sir Robert Wilmot, the Chief Justice of the Court of Common Pleas, as an opinion condemnatory of the proceedings of the present Attorney General, he quoted an opinion that has nothing to do with, and cannot make any impression on, the present case. The question in that case was, whether the Solicitor General as well as the Attorney General could file an information; and the judgment upon it cannot be legitimately twisted into any analogy with the subject now before us. It is said that the Attorney General represents the public. Undoubtedly, and therefore it is his duty, when his name is to be used in the manner in which it is proposed to use it on this occasion, to see whether it is for the promotion of the interests of the public that it should be so used. If John-a-Nokes chooses to go to the Attorney General, and to say, "I am the public," it is the duty of the Attorney General to see whether he has any right to be considered as the public, and the Attorney General must not take it on his unsupported assertion. If the Attorney General sees that there is not a case to justify the proceedings of John-a-Nokes, he has a right to refuse his assent to them; and he would be guilty of moral cowardice if, from any fear of obloquy, he should give his assent where he conscientiously thought that it ought to be withheld. The Attorney General, in refusing to allow these parties to file an information in his name, did not prevent them from proceeding as they might by indictment. This is a totally different thing. Who is it that complains? Are they private parties having any private interest affected by these proceedings? Let them bring it into court, as they are entitled and have power to do, and there let them try their right. Have they any public interest? Let them proceed, as they could do, by indictment against the wrongdoer. You bring before the Attorney General an opinion which says that there are certain Acts of Parliament which do not give the Crown the right of erecting buildings in Hyde Park. The Attorney General replies, "That is not the question; the question is, 'Have any rights been taken away from you?' If the Crown, which is the owner of the soil, gives its consent to the erection of those buildings, what right have you to object? Do not alarm the public by stating that your rights are in jeopardy, and that you are likely to be injured, when you cannot show that you have any rights, as individuals, or that any injury has been or will be inflicted upon you." The Attorney General says no more than this, "I will not be the means of assisting you—take such remedies as are open to you—I will not interfere for you, or against you." My Lords, the Attorney General has exercised a sound discretion, and these attacks upon that functionary are without foundation, and are inconsistent both with law and with justice. The Attorney General has exercised his powers for the benefit of the public—he is responsible to Parliament for his exercise of those powers; and if he has exercised them improperly let his noble and learned Friend bring that charge regularly and substantially before the House. I do not question my noble and learned Friend's right to discuss the question whether the Attorney General has exercised or not a sound discretion; but I do complain of the system of attacking an honourable man, and a high legal functionary, in a place where he cannot answer for himself. Where he could answer his detractors, he has answered them in a straightforward and satisfactory manner; and I now tell my noble and learned Friend that, whenever he will condescend to bring forward his charges against the Attorney General in a regular manner, I will not fail to prove to the satisfaction of every impartial man that the Attorney General has exercised a sound, impartial, and legitimate discretion.

Lord BROUGHAM could not refrain from rising to put his noble and learned Friend on the woolsack right on one or two matters of fact. In the first place, his noble and learned Friend had not been so long in the House as to be aware of its ordinary forms, or he would not have used the term "honourable" Friend in an assembly where every man was noble. In the next place, had he been longer a Member of that House he would have known that nothing was less irregular than to moot a case like the present on presenting a petition. He might bring forward without notice in that House any question, without being liable to the charge of irregularity. The courtesy of the House led to the practice of giving notice; but irregularity there was none in bringing forward any matter without it. If his noble and learned Friend had no better foundation for his knowledge of law than he had for his knowledge of the rules and orders of Parliament, when he stigmatised as irregular a proceeding which was strictly regular, he was certain to fail in the case which he had just pledged his reputation to establish. He had not, on the occasion to which his noble and learned Friend alluded, travelled even one hair's-breadth out of the four corners of the petition, and everything which he had then said had relevancy to that petition. As to his noble and learned Friend's saying that he (the Lord Chancellor) would take issue with him (Lord Brougham) on the point of law, he begged leave to remind the House that he had never said that the Attorney General had not the legal right to act as he had done. He had distinctly admitted that the Attorney General had that right; but the whole question rested upon the discretion with which he exercised it. He repeated his assertion, that this country was not a free country if the Attorney General had a right to refuse to the subjects of the Crown all access to the courts of law and equity by refusing to join them in a triable, probable, and maintainable cause. Oh! but he was the attorney for the public, was he? Why, the public repudiated his office, and would rather have these matters decided judicially by the courts than by their own attorney in his private closet. The ground of his complaint against the Attorney General was, that by his refusal the matter in dispute could not come before the Court of Chancery.

The LORD CHANCELLOR gave a decided negative to that assertion. If any individual had to complain of a private wrong, there was nothing to prevent him from bringing it before the Court of Chancery.

The Marquess of LANSDOWNE begged to remind his noble and learned Friend, who stood up so stoutly for the regularity of his and their proceedings, that he had himself departed from the Orders of the House in making an attack upon the conduct and proceedings of the Attorney General, when he merely rose to ask a question about the paving of Hyde Park. He assured his noble and learned Friend, that he had made inquiries into the subject-matter of this question, and that he could now inform him that the invasion of the sacred territory of Rotten-row, on which he admitted that he and others were wont to ride, was confined to the pavement of the entrance at the gate, and thence to the building erected in the Park. Not the road nor any part of the grass was to be paved.

Lord BROUGHAM was understood to admit that, strictly speaking, he had been out of order in the observations which he had made that evening on this subject; but, if he had erred, he had erred in common with great authorities. *Communis error facit jus.* With respect to the Park, it was a great consolation for him to have heard from the noble Marquess that they were not to have a paved road to Kensington. Some, but a small part of the Park, it appeared, would be paved. Nothing could be more fair than the language and conduct of his noble Friend.

BREACH OF PRIVILEGE—THE LIVERPOOL CORPORATION WATERWORKS PETITION.

Lord BEAUMONT brought up the report of the Select Committee appointed to inquire into the fraudulent signatures attached to the petition recently presented from Liverpool. His Lordship read the report at length. It stated that the Committee were of opinion that it was not established that the promoters of the opposition to the Bill had directly aided in increasing the number of signatures to the petition. The Committee, however, were of opinion that due precaution had not been taken by them in the selection of their agents—that the signatures were of such a description as could not have failed to attract their attention—and that their neglect in not inquiring into their genuineness was remarkable. The Committee had, therefore, come to the conclusion that the promoters of the opposition to the Bill had been guilty of neglect in the first place, and of something worse than neglect in the second, in allowing the deception to be so long continued before Parliament. The Committee had directed the minutes of the evidence which they had taken to be laid before their Lordships; and he now moved that the report be printed.

Ordered accordingly.

THE CIVIL LIST.

Lord BROUGHAM said, that to the Motion he was about to make for a return relative to the savings on the Civil List he could not have conceived that any objection would have been raised; but he understood that his noble Friend opposite (the Marquess of Lansdowne) intended to oppose it. He had not thought that any serious objections could have been raised on the ground that it was interfering with the revenue of the Crown, and he certainly had not done so with any view of entering upon any indiscreet examination of what had been done with regard to the Civil List appropriated to the Crown; but he conceived that Parliament had a right to see how any savings which had taken place had been effected. His noble Friend (the Marquess of Lansdowne) shook his head, but there was nothing in it. He meant there was nothing in the shake. He held in his hand a paper which had been presented to Parliament, being the revenue returns for the year ending the 5th of April, 1850, which showed that a saving had been effected in the expenditure of the Civil List during the last year to the amount of 38,719*l.* 4*s.* 2*d.* This surely could not be considered a secret when these savings had been stated in a return furnished by the Treasury. This was merely the last year's saving; all he wanted to know was how much of the amount had been effected in consumable articles used in the Lord Steward's, in the Lord Chamberlain's, and in the Master of the Horse's departments, and how much had been obtained from pensions, salaries, and allowances. He wanted to see how much had been saved in each department, and how much from salaries. They had the total amount, and he could not conceive why they should not have details. He could state a sound reason on his own part why he called for these further returns. Previous to voting the Civil List for this reign, estimates were laid before Parliament in 1837 explaining the principles on which the Government had framed the Civil List for the present reign. Estimates were given, under various heads, of so much being required for the Lord Steward's, the Lord Chamberlain's and the Master of the Horse's departments, and so much as allowance for salaries and pensions. He therefore required an explanation under which head the savings had been effected. It had become known that in consequence of the death of Sir Thomas Marrable, and the appointment of Mr. Hill to the Board of Green Cloth, there was a saving to the amount of 2,927*l.* This therefore had been effected out of a vote which had been granted for a specific purpose. If they voted a certain number of thousands a year for the support of the dignity of the Crown for each department, they ought to know what the expenditure was in the Lord Steward's, the Lord Chamberlain's, and the Master of the Horse's departments. The Sovereign had no right to abolish offices—or, rather, the advisers of the Crown had no right to take money given for one purpose, and apply it to another. He begged to remind the House that in 1837 or 1838 he had stated two grounds why he thought it was the duty of Parliament to fix a period to which they should limit the Civil List then to be granted. During all the discussions when they were fixing the amount of the expenditure of the three great departments of the Court, and of salaries and pensions paid out of the Civil List, he had remarked that they could not possibly foresee whether in future time the amounts they were about to vote would be found too much or too little. It was equally impossible for them to tell whether, probably for a period of half a century, they were about to vote too much or too little. If it was too little, the Parliament would have to give an increase or to pay off debts contracted on the Civil List. If it was too much, which was very possible, and he had stated several reasons why he thought this would be the case, it was a strong ground why provision should not be made. He had strongly maintained one reason for thinking so, namely, that the prices of articles of consumption would not continue high. He then said, he did not believe that the law which tended to keep up the price of the first necessary of life—

bread—he meant the corn laws, would be long continued. He had expressed his assurance that the law must be repealed, and he had asked what would be the effect on the prices of all the articles of general consumption. He had also asserted that the consequence of such repeal would be that they could not properly appropriate the amount that would be required in each of these departments with the existing state of facts before them. As he had foreseen, the corn laws had been repealed, and savings to the amount of 38,000*l.* had been effected in the expenditure of the Civil List in one year. He took credit for not having agreed at the time with the sums fixed for each, for the whole of a reign, for these several departments. Many objections, however, were taken against making the Civil List temporary, and he was induced to content himself with protesting against the course taken. There was also another reason which he had urged, it was—that he wished that they should know what were the revenues of the duchies of Cornwall and Lancaster. He found the revenue of the duchy of Cornwall for the year 1848 was 67,000*l.* This was under a management than which one more expensive never existed. It appeared that for every 2*l.* collected from the revenues of the duchy, 1*l.* 5*s.* was paid to defray the expenses of the department. It was impossible that any noble Lord would allow anything of the kind to occur in the management of his estate, or for a moment sanction a charge of between 60 and 70 per cent on the gross revenue to defray the expenses of the stewards and agents and other managers of his property. In 1848, not less than 7,000*l.* was paid out to defray the charges connected with the Prince of Wales, the auspicious young prince being only seven years old. In the following year the whole amount drawn for the alleged service of His Royal Highness was considerably greater, amounting to not less than 29,000*l.* It was quite impossible that that House could believe that the expense of his education, the charge for maintenance, or any other necessary expenditure for him, could amount to so much; such, however, was the sum received by the Crown out of the revenues of the duchy for the alleged maintenance of the Prince of Wales. It appeared, also, that a saving had been effected in the duchy of Lancaster of not less than 12,000*l.*, and this was to be added to the 38,000*l.* saved in the Civil List; and altogether he found the sums received by the Privy Purse from these various sources amounted to about 140,000*l.* But it was a great mistake to suppose that the Privy Purse was unencumbered. He did not mean to say that that debt had been increased by the present Sovereign, but there were arrears due from charges placed on it by former Sovereigns. The late William IV. had charged it with about 28,000*l.* He (Lord Brougham) never could allude to that beneficent monarch without expressing his admiration of his excellent temper and his kindness of disposition, which perhaps had induced him to bestow grants on those who had served with him, or who, in his estimation, had rendered service to the State. It was not in conformity with the genius of the constitution that the Sovereign of this country should have the means of acquiring wealth, but that he should be dependent on Parliament. If the Sovereign and the Parliament went on with amicable feelings and with a good understanding, the latter would be ample, liberal, nay, even generous in its grants for the support of the dignity of the Crown. He had been many years a Minister of the Crown, and he had never doubted for one moment that such would always be the result of a mutual good feeling existing. There had been no means hitherto of a Sovereign amassing wealth from savings from the Civil List, and indeed the Sovereign had not the means of disposing of any property belonging to the Crown till Mr. Pitt passed a measure on the subject, in 1799, enabling certain grants to be made out of the landed property of the Crown. The law, however, clearly was, that if an estate descended to the Crown by gift, devise, or other means, it could not be settled as any estate belonging to a private person. It was held not as a devise of private property, but was considered to be Crown property, and was held by the Crown in trust as public property. The ground for the measure of Mr. Pitt was, that George III. wished to devise some land to his favourite daughter, the Princess Amelia, and that was the first time for a very long period that the Crown was enabled to separate a portion of land from Crown property, or the property of the Sovereign separate from that of the Crown was recognised. He had formerly broached the subject as to the alleged too high salary paid to high judicial and other functionaries, and to diplomatists who represented the Crown at foreign Courts. It was very much the custom at that period of the year to postpone any subject likely to give rise to much discussion to an early period of the next Session. It was most painful for him to postpone the consideration of the subject, but he would then give notice that at an early period of the next Session he would bring the whole question under the notice of the House, and press for a division upon it. He merely wished, on the present occasion, to move for a return showing how much of the 38,000*l.* saved from the Civil List was saved in the departments of the Privy Purse, and in the offices of the Steward, the Chamberlain, and the Master of the Horse.

Then the Order of the Day for moving an humble Address to Her Majesty, for the Amount of the Savings in the Civil List Revenues since the beginning of 1838; distinguishing the Classes and the Years; and for the Lords to be Summoned; read, and discharged. Then it was moved—

> "That an humble Address be presented to Her Majesty, for a Return of how much of the 38,000*l.* and upwards, Savings on the Civil List for the Year ending 5th April, 1850, arises from the Salaries, Pensions, and Allowances."

The Marquess of LANSDOWNE said, that his noble and learned Friend had given notice of a Motion to which he had certainly felt that the very strongest objection should be made; and he was bound to state that even the modification of that Motion which had been proposed, was, in his opinion, open to very grave objections, considering the situation in which that House stood with respect to the Crown. With respect to the savings of which the noble and learned Lord spoke, he was informed that the view of his noble and learned Friend was founded on mistake, and that the money was merely so much money not issued. He must, however, fairly state to his noble and learned Friend his invincible repugnance to the production of the smallest, the most minute, or the most trifling account in the Civil List, founded as that Civil List was upon a solemn engagement and contract between the Crown on the one hand, and Parliament on the other. So long as that contract subsisted, he should deem it his duty to object to the production of any accounts connected in any way with that Civil List. Well, knowing that his noble and learned Friend would disclaim any interference with that contract, yet knowing at the same time—what his noble and learned Friend must be well acquainted with—the temper of these times, and feeling sure that if Parliament began by asking for information, that information, if granted, might be followed up in a spirit far different from that which actuated his noble and learned Friend, he would oppose himself to any concession from which it might be argued that the whole question of the settlement of the Civil List might be reviewed, for the sake of showing that some paltry gain might accrue to the public in the distribution of the expenses of the Crown, leaving altogether out of sight a question of the greatest importance, namely, the independence of the administration of that fund, which the deliberations of Parliament had assigned to the Sovereign for the maintenance of that royal rank and dignity which became the head of the State; but which would cease to be dignity, if the administration of that fund were liable every year, and on every occasion, to be sifted and examined. He begged of the House to consider that the establishment of a Civil List at the commencement of each reign had become, by usage, something like constitutional law; but, at all events, the arrangement had been sanctioned by long usage, Parliament having obtained from the Crown the revenues of the Crown, and having given in exchange a certain fixed sum to maintain its dignity. This was a practice which had obtained for the reigns of three or four successive Sovereigns, and the only alteration which had been made in the original arrangement was one which presented a still greater bar to the inquiry for which his noble and learned Friend had asked, inasmuch as those parts of the Civil List which peculiarly appertained to the honour and dignity of the Crown were separated from the other portions of it, which were left subject to the review of Parliament. The 9th clause of the Act by which the Civil List was regulated expressly provided that savings in particular classes of the Civil List should be applicable to the wants of others. The advent of another Sovereign, the necessity for more horses, or a larger expenditure in the kitchen one year than another, would make a difference in the different classes, and the savings in one department were transferred to departments to which those savings had not been specifically appropriated. Parliament had nothing whatever to do with the subject. He agreed entirely, that if at any time—though fortunately such a thing was not likely to occur during the present reign—the Crown were to come to Parliament for assistance to the Civil List, Parliament, before granting such assistance, would have a right to be informed whether there had been any undue expenditure in the different classes. But to the honour of the Crown he might justly say, that though during the half century preceding the present reign no less than nine applications had been made for assistance to the Civil List, since the present Sovereign had ascended the throne, now upwards of thirteen years, no such application had been made, and he was confident that no prospect existed of such an application ever being made. The greatest inconvenience would be felt, and indeed the greatest indecorum would be manifested—as much as if the affairs of any private gentleman were inquired into—if they were to examine in that House, or in the other House of Parliament, or out of doors, whether there had been a horse too much kept in this department, or a dinner too much or too little given in that department, the real question being whether the honour and dignity of the Crown had been generally maintained. He would not ask their Lordships whether this object had been attained in the present reign. He believed it was admitted on all hands that the expenditure of the Civil List had been regulated in accordance with the spirit of the country, with the honour and dignity of the Crown, and with a liberal distribution of public and private charity. Beyond that he did not know that the public could desire anything; and he would put it to his noble and learned Friend whether his Motion could answer any other purpose than that of satisfying mere curiosity? On these grounds he must oppose the Motion of his noble and learned Friend.

Lord BROUGHAM explained, that in framing his Motion he had desired to exclude all indecorous inquiry. He merely wished to know whether the same number of offices for which Parliament had voted the money was kept up with the same amount of pay.

The Duke of WELLINGTON observed, that his noble and learned Friend seemed to have overlooked the enactment which provided that none of those classes of the Civil List which were allotted to the dignity and sustentation of the Crown could be made the subject of inquiry in regard to the transfer of means from one to another. He did not know whether the same statement was made in settling the Civil List of Her Majesty as was made in settling the Civil List of the last Sovereign; but he perfectly recollected Earl Spencer, when Chancellor of the Exchequer, declaring that no inquiry could be made into the expenditure of these classes, and that such inquiry was inconsistent with the dignity and honour of the Crown. That statement was in precise conformity with the principle that there should be no inquiry. He concurred in all that had been stated of the personal generosity of the Sovereign. Having been cognisant of the formation of the Civil List during the last two reigns, he had objected that sufficient provision was not made for the demands on the bounty of the Crown. He had occasion to know with what generosity Her Majesty had acted in the case of those who had been bereaved through misfortunes in war; and he could not avoid mentioning that circumstance, having on the occasions he had mentioned, in voting the Civil List, objected that sufficient provision was not made for such benevolent purposes.

Lord MONTEAGLE said, that as an individual employed under Lord Spencer, in the preparation of the Civil List of King William IV., and also as having acted as Chancellor of the Exchequer in preparing the Civil List of Her present Majesty, he trusted that their Lordships would feel that he was only discharging a duty which he owed to the House in making a few observations. He regretted that the Motion should have been made, and also that the questions and conversation which had preceded it should have taken place, because it would go forth with all the sanction that could be given to it by the high authority of his noble and learned Friend. A precedent of greater danger to the constitution of this country, and one more foreign to previous precedents in the history of England, never could take place, than the opening of this question. He did not mean to say that Parliament had not ever been called on to review the Civil List, but that was when there were exceedings and debts. The public ought not to be misled by the notion that the land revenues of the Crown were all that was surrendered in exchange for a Civil List. The Crown surrendered its hereditary revenues as well; and it had been often argued that the amount surrendered by the Crown was infinitely greater than the amount given by Parliament. Up to the reign of George IV., the sums at the disposal of the Sovereign far exceeded the amount provided for by the present Civil List. The whole of the droits of the

Admiralty, the revenues of Hanover, and the four-and-a-half per cent duties were in the possession of the Crown. An alteration was made by the Government of the noble Duke (the Duke of Wellington). There was then tendered a large surrender of the hereditary revenues of the Crown. The Committee, however, of 1831, to whom this matter was referred, confined themselves in their inquiries into the second class—to the salaries of the Officers of State, not thinking it consistent with the respect due to His Majesty to scrutinise the details of his domestic household. He would now proceed to the Civil List of Her present Majesty. In Her Majesty's communication to Parliament in 1837, She said — "Desirous that the expenditure in this and in every other department of the Government should be kept within due limits, I feel confident that you will gladly make adequate provision for the support of the honour and dignity of the Crown." Their Lordships, however, must bear in mind that Her Majesty was placed in a different position from any of Her predecessors in respect of revenue. The revenues of Hanover had ceased to be the possession of the Crown; no private fortune had been bequeathed to Her, and the revenues of the duchy of Cornwall (which George IV. enjoyed during the whole of his reign), were only Her's until the birth of a Prince of Wales. Upon that occasion he (Lord Monteagle), as the organ of the Government, had made use of the following observations:—

> "We wish to make such arrangements as will carry us through this reign, which we hope may be as long as happy, without appeals to Parliament, contractions of debts, and those circumstances which have led in former times to so much jealousy and suspicion on the part of the people, and have not been without prejudicial effects to royalty. But as we hope the reign to be long, it behoves us to consider it with care, and to weigh well the steps we take, because I admit that when the step is taken, I shall be ready to plead it in bar of any proposal to reconsider the Civil List, unless the Crown were placed in a position to require it."

That was the expression of the opinion of Lord Melbourne's Cabinet. Parliament then settled Her Majesty's Civil List at a less amount than that enjoyed by Her predecessors; and upon that occasion the noble and learned Lord (Lord Brougham) himself declared that the arrangement ought not to be revised by Parliament unless the Crown applied for additional sums. Even now the noble and learned Lord admitted that the settlement made at Her Majesty's accession was binding as a bargain; and yet he proposed to inquire into it, to examine witnesses, and to put all sorts of questions to them. This was blowing hot and cold. If the settlement of the Civil List was really a bargain between the Crown and the people, no one was entitled to ask any questions about it. If the settlement was not such a bargain, let the noble and learned Lord say so at once, and propose that it should be reconsidered. This was the first time it had ever been proposed to inquire into the expenditure of the Civil List when the Crown was not in debt, and no application was made to Parliament for an additional grant to the Sovereign. Was it even rumoured that the Crown was in debt? Their Lordships would bear in mind that the revenues of the duchy of Cornwall had now passed away from the Crown, and that Her Majesty had a smaller Civil List than She had in 1837. Having had the honour to serve under two successive Sovereigns, he was happy to state that no persons ever felt greater alarm at the idea of incurring debt, or a firmer determination to live independently within the income assigned to them, than the late King and Her present Majesty. When his late Majesty was about to go into his new palace, he expressed to him (Lord Monteagle) his fear lest he might be obliged to incur additional expenditure, saying—"I never asked Parliament to pay a single debt for me, and, so help me God! I never will." Her present Majesty was equally cautious of incurring debt, and yet it could not be imputed to Her that She was deficient in acts of generosity or charity. Her present Majesty had also been obliged to incur extraordinary expenses by Her progresses to Ireland and Scotland; but, nevertheless, She had avoided making any application to Parliament for an additional grant. The noble Lord then contended that Parliament had no right to inquire into particular savings that might be effected in the expenditure of the Civil List, because it was provided by Act of Parliament that all such savings should belong to the Crown, and concluded by apologising for having said so much.

Lord BROUGHAM would have excused his noble Friend for saying ten times as much, if what he had said had only been accurate. His noble Friend had, however, informed the House that he was once a Chancellor of the Exchequer, and had bragged of having framed the Civil List, and of having been an under-workman in that transaction, but had in his address made blunders which he (Lord Brougham), in his ignorance—for he was never either a Chancellor of the Exchequer or a Secretary to the Treasury, and was, at the time the noble Lord had referred to, only one of his masters—would not have commited. The noble Lord had said that the money voted by Parliament was voted for the Civil List, and not for the items of which it was composed. He had heard of metaphysicians, Jesuits, refiners, over-refiners, hair-splitters, wire-drawers, and wire-drawn arguments, but he certainly had never before heard a more wire-drawn, evanescent, subtle distinction than that drawn by the noble Lord. Parliament voted a certain sum of money for supporting the dignity of the Crown, upon estimates which were laid before it, containing the most minute details of all the expenses, salaries, and allowances of all the officers, down to the grooms, postilions, coachmen, footmen, running-footmen, servants in livery and servants out of livery, as well as maids of honour, bedchamber women, Lord Chamberlain, Lord Steward, and Master of the Horse; all these items were fully set out, and although the House did not vote separate sums for each of those individuals, male and female, still the whole was summed up, and it was upon the faith of those estimates that the total amount was voted. His noble Friend had argued as though the sum total were unconnected with the details of the sum; he might as well have argued that because 2 and 4 are 6, and 4 are 10, and 2 are 12, that therefore the number 12 had nothing to do with the 2's which went to make up the number. His noble Friend had "jumped about and turned about" with that singular evolution, agility, and nimbleness which would have done honour to the representative upon any stage of "Jim Crow," and boldly declared that none of those twos, or fours, or sixes, went to make up the total of twelve. It was far from his (Lord Brougham's) wish to curtail anything of the dignity of the Crown. God forbid that such a national calamity should ever occur as that of the loss of the services of a Lord Chamberlain!—God forbid that either the country or the Crown should ever be deprived of the services of a Lord Steward!—and God forbid also that they should ever be deprived of the services of the Master of the Horse! and if the noble Lord who filled that important post were present on this occasion, he should feel, if possible, a still greater pleasure in saying, God forbid that the country or the Crown should for an instant lose the services of that illustrious trio! He hoped that the Crown would long maintain that accession of dignity which their valuable and important services conferred upon it. There was nothing in his Motion which could for a moment lead to the supposition that the country or the Crown would ever be deprived of the services of the Lord Chamberlain, be bereaved of the valuable assistance of a Lord Steward, or that they should ever have occasion to go forlorn for the want of a Master of the Horse. His noble Friend had said that the object of the Motion was merely the gratification of an idle curiosity. It was no such thing. He wished to be satisfied that there had been no diminution in the salaries, and that the same persons were still employed, and the same salaries still given to them as entered in the estimates upon which the vote for the Civil List was granted. If there was to be no check of this kind, his noble Friend opposite (the Marquess of Westminster) might, perhaps, be called upon, for instance, to serve without any salary at all, and then—or, if he did not so choose to serve without his salary—let their Lordships consider the alternative—that office might be laid down altogether, contrary to the estimates, upon the faith of which the vote had been granted. But he had been told that this was a question of extreme delicacy, and one which ought not to be asked. His esteemed Whig friends had certainly changed very greatly since he had the pleasure of seeing them in the House of Commons; for in that House he had over and over again moved for returns connected with the revenues of the Crown, and had always upon those occasions received their faithful and valuable support. He had at length, after great difficulty, succeeded in extorting and extracting from Lord Liverpool an account of the droits of the Admiralty, which then formed part of the revenues of the Crown. He was now told, however, that it was indelicate, that he ought to let well alone, and wait for such an inquiry until the Sovereign was in debt; that the stream of monarchy was flowing smoothly, unshaken, and unruffled, and that if they erected their dam, or made their dike before the tempest came on, some great catastrophe would take place. This was nearly the same language which had been held on the previous occasions to which he had referred. But, notwithstanding these opinions, upwards of 3,000,000*l.* of the revenue derived from the Admiralty droits were given up by Parliament just before the battle of Trafalgar, and returns were now constantly laid before the House respecting the duchy of Cornwall, the hereditary revenues of Scotland, and other sources of revenue of the Crown. He commenced his Motions on these subjects in 1812; and, after Lord Castlereagh's death, he at length extorted from Lord Liverpool's Government a detailed statement of the appropriation of the droits of the Admiralty.

Lord MONTEAGLE said, the droits of the Admiralty went to the credit of the public.

Lord BROUGHAM: Yes, that was the result of his Motions, which all his Whig friends supported.

Lord MONTEAGLE begged to assure his noble and learned Friend that he was not mistaken in what he had previously stated. When the Civil List was settled, it was distinctly provided that all savings which might be made in salaries, other than those of the great officers of State, should go to the Crown. When his noble and learned Friend made his Motion about the droits of the Admiralty, the Crown was in debt.

Lord BROUGHAM said, his Motions had no reference whatever to the debts of the Crown.

The Marquess of BREADALBANE stated, that at the time of the settlement of the Civil List it was provided that no new appointment should be made, nor any alteration in the salaries of the officers should take place without the sanction of the Lords of the Treasury. Many of the expenses which were formerly borne by Parliament were defrayed by Her Majesty out of the Civil List; and the public ought to know that Her Majesty voluntarily gave up 12,000*l.* of her revenue for income tax for the good of the country. The manner in which the noble and learned Lord had brought forward his Motion, had been, in his opinion, deserving of the censure of that House and of the country; and he believed that people out of doors would entertain the same opinion on the subject.

Motion, by leave, withdrawn.

MERCANTILE MARINE (No. 2) BILL.

Earl GRANVILLE, in proposing the Second Reading of this Bill, briefly explained its provisions. It was intended, (said the noble Earl) to regulate matters connected with the mercantile marine of the country. In the first place, it gave to the Board of Trade the power of superintending the carrying out of those regulations; and, to enable that to be done, it gave to the board the power of appointing, as superintendents, persons who had practical information on the subject. It had reference, also, to that point which had been made a matter of accusation against the captains and mates of the merchant ships, that if they had not actually deteriorated, they had certainly not improved, in scientific attainments, nor in their general or moral conduct. The Bill, therefore, enabled the Board of Trade to appoint examining officers to examine all those who were candidates for those situations. Another object of the Bill was to insure greater discipline on board, and, as a proof of the necessity of such a provision, he referred to an instance that occurred some time ago, in which the captain of a vessel was put into irons by the crew; but, on arriving in port, as the law stood, no punishment could be awarded against him for his misconduct. It was as much for the interest of the seamen themselves as for the service in general that strict provisions should be made for maintaining good conduct on board. He would not, however, detain the House longer, as he intended to accede to the proposition of his noble Friend (Lord Stanley), that the Bill should be referred to a Select Committee.

Earl WALDEGRAVE said, that as the Bill was to go to a Select Committee he would not oppose the second reading.

Lord COLCHESTER approved of the provisions of the Bill respecting the qualifications of masters and mates, but regretted that they were confined to foreign-going vessels.

Bill read 2ª, and referred to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, August 2, 1850.

Minutes.] Public Bills.—1ª Leasehold Tenure of Land (Ireland) Act Amendment; Canterbury Settlement Lands.

2ª Customs; Marlborough House; Inspection of Coal Mines; Police Superannuation Fund.

3ª Registrar of Judgments Office (Ireland); Municipal Corporations (Ireland) (No. 2).

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE BILL.

Order for Second Reading read.

Mr. M. J. O'CONNELL said, he wished to take the opinion of Mr. Speaker upon a question whether this Bill had been properly introduced. The Act which it was intended to continue provided that the expenses of any constabulary employed under it should be defrayed out of the Consolidated Fund, and that such advances should be repaid by the district wherein the constabulary were employed. A tax was thus imposed upon the public. These provisions had been introduced into the original Bill in the usual mode in which clauses involving taxation were introduced, namely, through a Committee of the whole House before being added to the Bill. The Bill then ought to have been introduced into that House in the first instance, and not in the Lords. The Commons had always insisted upon their privileges where taxation was concerned; and he submitted that they ought to require the present Bill to be laid aside, on the ground of this irregularity.

Mr. SPEAKER said, his attention had only just been directed to the clauses in question, and they appeared to him to sustain the view taken by the hon. Member for Kerry. The Lords of the Treasury were authorised to issue certain sums out of the Consolidated Fund, which were to be repaid by the district. This being so, he thought the Bill ought to be laid aside, and another brought in.

Lord J. RUSSELL said, that, after what had fallen from Mr. Speaker, it was better the House should not proceed with the consideration of the Bill. He would therefore move that the order for the second reading be discharged, and his right hon. Friend the Secretary for Ireland would immediately move for leave, to which he (Lord J. Russell) apprehended the House would not object, to bring in the measure again.

Order for second reading read, and discharged. Bill laid aside.

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE (No. 2) BILL.

Sir W. SOMERVILLE moved that leave be given to bring in a Bill to continue the Act for the Prevention of Crime and Outrage in Ireland, for a limited period.

Motion made, and Question proposed—"That leave be given to bring in a Bill to continue, for a time to be limited, an Act of the eleventh year of Her present Majesty, for the better prevention of Crime and Outrage in certain parts of Ireland."

Mr. HUME thought that some reasons ought to have been assigned for such a Motion. When the existing measure was brought in, he voted for it, upon the express assurance that it would not be renewed without absolute necessity. There was clearly no necessity for its continuance now, because every account received from Ireland stated that the country was perfectly peaceful, and the people orderly and well disposed. Under these circumstances he could not consent to arm the Government with extraordinary powers, and he should give the Bill his decided opposition. The House ought to have some statement of the grounds upon which such a measure was proposed.

Sir W. SOMERVILLE had no objection whatever to state the grounds upon which Her Majesty's Government requested the House to renew, for a limited period, the powers which the former Act had conferred upon the Lord Lieutenant of Ireland. It was gratifying to him to be able to say, that, in asking for permission to introduce the Bill, it was not in his power, as was the case when the existing Act was passed, to point to a long list of crimes and outrages in Ireland as the principal reason for adopting such a measure. On the contrary, the condition of Ireland, as regarded crime and outrage, had very greatly improved since that period. Still there were certain indications, apparent to all who troubled themselves to observe what was passing in that country, exhibited occasionally by the commission of some startling crime like that which was recently committed upon Mr. Mauleverer, and certain other appearances in the general condition of the country, that, he thought, should induce hon. Members to pause before they suddenly deprived the Lord Lieutenant of the powers he now possessed. He entreated the House not to consent to deprive the Lord Lieutenant of those powers, because he did not believe that any serious objection could be urged against their continuance. When they were discussing this Act on a former occasion, two objections were taken to it—the one being, that it was a severe measure of coercion; the other, that it was not sufficient for the purposes for which it was introduced. But neither of these assertions had turned out to be correct; on the contrary, the Act had not proved to be severely coercive towards any parties except evil-doers, and it had undoubtedly been completely efficient in checking the disposition to crime and outrage. Her Majesty's Judges had, during their present circuit, alluded, in the most gratifying terms, to the almost unprecedented tranquillity prevailing in Ireland; and there was no doubt that very much of that tranquillity was attributable to the Act which he now asked them to continue. Considering the indications to which he had alluded, he thought it would be an act of great indiscretion, and that this House would be much to blame, now to allow arms to fall into the possession of improper persons in Ireland, and thus remove that wholesome check which the Act imposed, and encourage those who were adverse to the maintenance of the public peace to commence a fresh system of crime and outrage in that country. He had said—and he believed it—that the Act had not pressed severely upon any portion of the inhabitants of Ireland excepting the evildoers. None of the peaceable inhabitants had anything to complain of. Its provisions had been administered temperately, firmly, and wisely; and he said again that it would be most indiscreet on the part of this House to risk this state of tranquillity by taking from the Lord Lieutenant those powers which the Act conferred upon him, and which that noble Lord thought it was absolutely necessary should be again entrusted to him. He had said nothing about the time for which it was intended to continue the Act, because that was a question which might be better considered in Committee; but he did entreat the House not to refuse him leave to bring in a Bill which contained such effectual checks upon those who were inclined to disturb the public peace, and to place the tranquillity of Ireland upon a sure basis.

Colonel DUNNE said, that the right hon. Gentleman had not alluded to the period to which he proposed these extraordinary powers should be limited, and which he hoped would be less than was suggested by the Bill which had come down from the Lords. He admitted that there were indications in various parts of Ireland which should make them cautious how they deprived the Executive of powers they conceived to be necessary for the suppression of crime; but, according to the right hon. Gentleman, the object of the present measure was to prevent improper persons having possession of arms. But, if so, why not propose an Arms Act at once? If a reasonable Arms Act were proposed, he did not believe it would meet with opposition. He was aware it would be answered, "Why, we put the Tories out upon an Arms Act—how, then, can we consistently propose such a measure ourselves?" But because the opposite party had brought forward a bad Arms Bill, was that any reason why the present Government should not bring in a good one? He saw no reason against imposing a small tax on all persons possessing arms, and requiring that such possession should be registered. But there was something necessary beyond that: the Government must deal with the land question. It must be decided whether the landlord should merely be in the position of the holder of a rent-charge on his property, or whether the tenant should be entitled only to fair compensation for improvements. With regard to the question then before them, not being willing to deprive Government of the means which they considered necessary for the maintenance of tranquillity, he should offer it no opposition; he hoped, however, that the period for the continuance of these extraordinary powers would be as limited as was consistent with the public safety.

Mr. S. CRAWFORD said, he was under the necessity of opposing the Motion for leave to bring in this Bill. He had never before heard of such a measure being sought to be introduced without any statement being made to enable the House to judge of its necessity. He admitted that in the hands of the Earl of Clarendon the present Act, which it was now proposed to continue, had been administered with prudence and moderation; but that was no reason why its provisions should be continued, unless satisfactory reasons could be assigned for it. When the Bill was originally proposed, it was said that as it was a coercive law it should be accompanied by measures of a remedial character, calculated to improve the social condition of the country. He maintained that those promises had been broken. The people of Ireland had passed through intense suffering, and had borne their afflictions through years of famine with unexampled patience and endurance; and if there were any exciting causes abroad among them to crime and outrage, they must be attributed to the existing relations between landlord and tenant. Clearances and evictions were going on to a fearful extent, in order to drive the people from the soil; whilst the Act passed two years ago to afford relief in this respect had proved a complete failure. Nor would the Act for the Sale of Incumbered Estates have any effect in preventing this evil. He believed that no frauds would be committed by tenants if frauds were not committed upon them either by agents or landlords—a proof to him that there was something defective in their legal relations. But he contended that there was no evidence of crime sufficient to justify the House to adopt coercive measures; and the right hon. Baronet the Secretary for Ireland had only mentioned one case, the murder of Mr. Mauleverer. But there had been strong provoking causes to outrage in that particular district. One crime, however, in a particular locality was clearly not sufficient to justify a general measure of coercion. The late Sir Robert Peel, whose loss they all lamented, when he attempted to pass a Bill of a similar character to this, was told by the noble Lord at the head of the present Government that Coercion Bills should not be sent to Ireland unaccompanied by measures of relief; and since that declaration carried the noble Lord into power, he insisted upon his now acting upon it. He might, however, be told that already Government had done all they could to improve the condition of Ireland, and perhaps he would be reminded of the Incumbered Estates Act; but though the improvement of Ireland was the object of that Act, it served to promote evictions and increase the miseries of the people. Fifteen years ago the House recognised the right of the Irish tenant to something in the shape of protection against his landlord; and repeated, though futile, had been the attempts since then to establish the right by legislative enactment. But, in the meantime, Arms Acts and Coercion Bills had been carried without end. The time had, however, arrived when a stop must be put to this mode of proceeding; and now that the hopes of the Irish tenantry had been excited by the promises of Her Majesty's Government, he warned them that the passing of this Bill, in the place of some remedial measure, would be productive of endless discontent and insurmountable difficulties. But, independently of all this, there was no necessity for this Bill; the country was tranquil, and comparatively free from extensive crime; why, then, persist in passing a Bill of coercion? The other day, when it was proposed to renew the Alien Act, the House of Lords refused the Motion: there was no necessity for it, they said; but if hereafter any occasion for it should arise, then would be the time to ask for its renewal. Now, why could not the same course be adopted with reference to this measure? He should give his strongest opposition to the Bill.

Amendment proposed—

"To leave out from the word 'that' to the end of the Question, in order to add the words, 'the distressed people of Ireland have borne unexampled sufferings, produced by famine, and by evictions from the soil, with praiseworthy submission to the Laws; and it is the opinion of this House, that it is not just to renew and continue measures of coercion subversive of the Constitutional rights of the Irish People as British Subjects, whilst the redress of acknowledged grievances connected with the Laws which regulate the relations of Landlord and Tenant, recommended to the consideration of Parliament in Her Majesty's Speech, has been neglected or postponed'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. REYNOLDS seconded the Amendment, and said the right hon. Baronet the Irish Secretary had on this occasion adopted a different course to that of his predecessor in office, when asking permission to suspend the constitution of Ireland, and to curtail the liberties of the Irish people. The habit on former occasions was to relate a long list of crime and outrage; but the habit of the present Secretary for Ireland was to ask permission to re-enact the Act of the 20th December, 1847, and in doing so he said he was free to admit he could give no list of crime and outrage. There were "indications" of such things, the right hon. Gentleman said, but he had not condescended to favour the House with any translation of the word "indication." He had referred to the murder of Mr. Mauleverer; but there was nothing in that case to distinguish it from any of the agrarian murders which had taken place in the country, in proof of which the Lord Lieutenant had not thought it necessary to proclaim the barony where it occured. There was no political agitation in Dublin, nor any disturbance in any part of the country. Yet, because these pleasing results had occurred, the right hon. Gentleman asked the House, with only about forty Members in it, to suspend the constitution for four years. The only excuse he ventured to give for so monstrous a proposition was, that the Earl of Clarendon had not abused the provisions of the present Act. [The hon. Member then read several passages from the Queen's Speech at the opening of the Session, and asked if any of the promises then made by the Government had been kept to the people of Ireland?] Echo answered, "No!" That might be an echo in the Paddy Blake sense—but it was true, nevertheless. He submitted that this Bill was an insult to the people of Ireland, who, the Queen had declared, were loyal and attached to Her; the reward they were to get for that loyalty and attachment was, the suspension of the constitution, which suspension would hand them over to the tender mercies of whoever might represent the Queen in Ireland. He was not prepared to place the liberties of the people of Ireland in the hands of the Earl of Clarendon, or anybody else. A man holding the office of Lord Lieutenant was made of flesh and blood, and, like other men, he might abuse the powers which the law entrusted to him, and, therefore, the name of the Earl of Clarendon ought not to have been introduced in connexion with this question. In the name of common justice, was the House prepared to sanction this Bill? If hon. Members were so prepared, then he would say the Irish people had nothing to expect from a British Parliament but "coercion, coercion, coercion." What had they done for Ireland? The poor-law had been amended; but "amended" in such a case was a misnomer. It should have been "disfigured;" for they had so disfigured it that the pressure upon the landlord was diminished, whilst that on the tenant was increased. Had they attempted to deal with the temporalities of the Irish Church? Had they endeavoured to improve the relations between landlord and tenant? If all these things were left undone, how could they be surprised at the state of Ireland? In conclusion, he called upon the noble Lord at the head of the Government, as the leader of the liberal party, not to lower or stain his high reputation by pressing this Bill upon the country at a time when the Judges of assize in every county had uniformly congratulated the grand juries upon the almost total absence of crime.

Mr. NAPIER, in common with all persons who were interested in the welfare of Ireland, deeply and sincerely lamented that the settlement of the landlord and tenant question had been so long delayed by Government. For his own part he could scarcely conceive any legislation to be so bad as the delay which had taken place in grappling with that question, and thus keeping the mind of the Irish people in its present uncertain and excited state. He was desirous of legislating in the most equitable spirit towards all parties; and he did hope, that at all events a very short period only would be allowed to expire before the House expressed its opinion openly and honestly to the people of Ireland as to how far it could by legislation assist them in settling the relations between landlord and tenant. But though the delay of that question might be complained of as a great injury and grievance, that was no reason why he should oppose the Government when they came and asked for another measure which he believed to be a good and useful measure. On the present occasion the right hon. Baronet the Secretary for Ireland had asked leave to introduce a measure which did not suspend the constitution of Ireland—which did not seek to interfere with the privileges of any peaceable or honest man—which only provided for the continuance, for a short and limited period, of powers which, if called into action at all, would only be called into action in the event of disaffection and disturbances again arising in Ireland; and, therefore, he (Mr. Napier) did not feel himself justified in withholding his support from such a measure. The powers, the continuance of which they were now required to agree to, were of no extraordinary character, and he thought the request was not an unreasonable one. Of course it was done upon the responsibility of the Government, and, believing that it would be right for the House to comply with their request, he had no difficulty in giving his vote in support of the Motion. They had been told that the evils against which the Act was levelled were chiefly agrarian evils, and he admitted that this was substantially correct. But they must take Ireland as they found it, with all that complication of its social relations, and all those difficulties and evils which had arisen from innumerable causes; and it was their duty to walk with cautious and prudent steps, and to see, if they did arm the Executive with sufficient powers for the repression of crime, that their legislation was directed also to the preservation of the rights of property and the rights of the tenantry. With regard to the murder of Mr. Mauleverer, he had looked through the depositions of the parties who had been examined on the trial; but in vain had he searched for any single act of cruelty, of injustice, or even of harshness, on the part of the unfortunate gentleman who was the victim of that barbarous and inhuman murder. He held in his hand a statement of facts which Mr. Mauleverer had laid before the Court of Chancery with regard to the condition of the property for which he was the receiver and agent. [The hon. and learned Gentleman then proceeded to read from the documents the details of the circumstances he had mentioned.]

Mr. HUME rose to order. They were called upon to deal with Ireland as she now was, and the hon. and learned Gentleman was speaking of what took place ten years ago. Those cases might be true, but he submitted that they had no bearing on the question before them.

Mr. NAPIER said, that one of those cases had already been referred to. However, he would not persevere. He would support the Government in this measure because he thought it necessary, even though Ireland was now peaceable. They were bound to see that the peace of the country was preserved, to prevent the commission of crime and outrage, and at the same time to protect the rights both of landlords and tenants, which were essential to the preservation of the general rights of property, and the peace and welfare of the country. Under these circumstances he should support the introduction of the present Bill, and he should also give his best assistance in aiding the Government to carry an effective measure for regulating the arrangements between landlord and tenant.

Lord J. RUSSELL: Sir, I am anxious to address the House, because the hon. Gentleman who moved, and the right hon. Gentleman who seconded, the Amendment, have proposed to refuse those powers which the Government ask for, for a limited time, upon grounds which I certainly think will not be considered tenable by this House. What, in fact, they say is this: "You have had a law subsisting for some time, by which you have changed the state of society for the time from one of prevalent crime and outrage, from one of terror on the part of the peaceful inhabitants, from one of murder and assassination, frequently or repeatedly committed, into one of peace, order, and tranquillity; those outrages have been far less frequent than formerly; the peaceful inhabitants, whether landlords, tenants, or labourers, have felt greater confidence than they have hitherto done; the country consequently has means of improvement which it has not so long as crime and outrage are the rule and order of society; and, because you have done this, because with the confidence and the powers entrusted to you by Parliament, and without any alleged abuses of those powers you have established tranquillity and order, the Government is utterly undeserving of confidence, and therefore we will refuse you a continuance of those powers, and declare you are utterly unworthy of the power which you come forward to ask." Now, Sir, I contend that that is by no means a justifiable ground for refusing the powers which the Government ask. I do not say that such powers are to be for ever continued; but, at the same time, when hon. Gentlemen describe these powers as they have been described, as subversive of the constitutional rights of the Irish people as British subjects, I contend that that is a totally erroneous description of the powers which are given by this Act. It is not an Act giving the powers which, I think in 1833 or 1834, were granted by Parliament, to prevent any discussion in public meetings of alleged grievances of the Irish people; it is not an Act like the former Insurrection Acts, by which even the peaceable inhabitants of a district were prevented from going out at night; it is not an Act which at all, as I think, affects the legitimate rights of the innocent and the peaceable; it is an Act which gives power to the Lord Lieutenant, when a district is in a state of disturbance, and offences are frequent, to proclaim that district, and thereupon certain consequences follow. The Lord Lieutenant may place in such district an increased constabulary, which must be a protection and security to the peaceable inhabitants; and at the same time orders may be issued that arms should not be held except by persons to whom licences are granted for that purpose. These large powers are not granted to local magistrates, or to persons at all affected by the local and political passions of the district; but they are confined to persons named by the executive authority, and who, therefore, are totally apart from those passions. The power is given, in places where assassination and crimes of that description are frequent, to take arms from persons who, after ample notice and proclamation, persist in carrying them. I say, then, it is not a right description of such an Act as this, to say it is a measure subversive of the constitutional rights of the people. Such Acts would not be asked for unless they were necessary for the welfare of the people for whom they are enacted; but I confess I have had a lesson upon this subject which induces me to say that I will not part with power for preserving peace if I do not feel confident that the ordinary law, without such extraordinary powers, would enable the Government to maintain peace. At the very commencement of the present Government we proposed to continue an Arms Act which we found existing upon the Statute-book. It being then the month of August, we consented that that Act should only continue until the following May, in order that we might have time to consider it. It was pressed upon us that the people of Ireland might be safely left to the exercise of their own discretion, and that the experiment should at least be tried of having no Act of restriction or coercion. We said we were ready to see if the peace of Ireland could not be preserved without any such Act; and we consented not to have such powers. What was the consequence? Why, the open purchase of arms, by persons who purchased them for the purpose of disturbing the peace of the country—for the purpose of making the highways unsafe—for the purpose of making the house of the industrious farmer unsafe, and for the purpose of placing the whole country in a state of insecurity. I confess that I never felt the weight of responsibility more than when I was brought to consider that our parting with those powers, in our confidence in the disposition of the people, had tended in a great degree to encourage that state of disturbance and insecurity. This, I say, was a lesson to me not prematurely to part with these powers. But, Sir, I must admit that when Gentlemen say that such powers as these, although they are not subversive of the constitutional rights of the people, are yet extraordinary powers, that should not be given for any very long period, they urge a very fair objection. I confess that this is a fair objection to the period for which the Bill was originally proposed; and I shall be quite satisfied to say, that the present Bill shall continue only till the 31st December, 1851, and to the end of the then next Session of Parliament. Parliament would then have the question before them; and they would have time to consider whether the continuance of these powers be necessary. But I certainly must entreat the House not at present to declare that they are quite satisfied no such powers are necessary, and that Ireland should be left during the next autumn without the existence of such powers. The hon. Gentleman the Member for Rochdale, who proposed the Amendment, says there are various measures which have not been passed, and he refers more especially to our legislation on the subject of landlord and tenant. Why, Sir, we have repeatedly endeavoured to introduce Bills which might give satisfaction upon that subject. One of those Bills was referred to a Select Committee of this House, consisting chiefly of Irish Members, and by them reported to the House. The Bill was introduced in the course of the present Session, it being mainly founded, at least in its principal provisions, upon the report of the Committee. But the subject is one of extreme difficulty; and when the Bill came to be considered in Ireland, such opposition was manifested to it, and such objections made to its provisions, that I was forced reluctantly to come to the conclusion that if we had asked the concurrence of Parliament to the Bill, so that it should become an Act, instead of allaying, it would rather have tended to aggravate excitement upon the subject. At the same time, we had the objections continually made by the hon. Member for Rochdale, and by others, who, whilst opposing the Bill we had introduced, asked for certain other provisions, and those provisions of a nature which I think Parliament could not sanction. Because, if on the one hand it is right to give every security to the tenant which legislation can give, it is not right upon the other hand, when the engagement between landlord and tenant is one of a voluntary nature, and the landlord can be only held to have parted with his property for a certain portion of time, and that time known to the law—whether it be, as it is called, a tenant at will, or for a term of years longer or shorter—that the Legislature should then come in and say, "We will place such conditions upon the bargain between the landlord and tenant, that the real and actual property shall be in the tenant, and not in the landlord." This involves such a manifest injustice, and it is such a direct contradiction to all the known principles of law and justice, that Parliament, I am sure, would not assent to it. Yet many of the propositions

I have heard made, though they did not uphold that principle, nor directly aver that the property of one man should hereafter be made the property of another, did indirectly carry such a transfer into effect. I say, then, that with these difficulties, and with a measure sure to excite discontent in the poesent state of the public mind in Ireland, especially in the north, we could not consent to a measure which would be unjust and contrary to all the rules and maxims upon which the rights of property are founded. Under these circumstances, I am compelled to say we must pause for a time, and endeavour to see whether the provisions we have proposed cannot be modified or amended by a Bill to be introduced, which may give, at least to the tenant, all the rights he can possibly ask, without interfering with the acknowledged rights of the landlord. There is, however, this difficulty in the question, that if, as I should be disposed, you make the remedy extremely simple, you may debar the landlord from those claims that he may properly make; and that, if you give him all the rights of interference which he may claim, and say no improvements shall be subject to compensation, unless they have been made with his consent, you then run the risk of making the machinery of the Act so complicated that it will be inoperative. I have felt these difficulties weigh upon me very seriously. I do not think, however, that the absence of provisions of this kind, is a reason for refusing the present Bill, though I confess the law is in an unsatisfactory state. I do not like at this time to enter into the consideration of other measures which are not before the House; but the hon. Gentleman required that one measure should be introduced in conformity with what we have before stated, namely, a measure with regard to waste lands. We abandoned the Bill that we had introduced on that subject; but, at the same time, we very much increased the sums advanced for the purpose of improvements in land. In the present year, as well as in the last, we have sanctioned, on the part of the Treasury, the advances of very large sums for what is called arterial drainage, and the general improvement of the land already cultivated in Ireland. I confess I am convinced that that mode of improvement—the advancement of sums for the cultivation of lands that are in a state of imperfect cultivation, and which thereby may be made more valuable—is a better mode of applying advances made from the Exchequer of the united kingdom, than upon bringing waste lands under cultivation. I shall not enter into the discussion of other measures—measures which no doubt are highly beneficial, and which will tend to promote the advantage of Ireland, but which many hon. Members consider either injurious, or tending to diminish the welfare of the country. I only refer to them with the view of showing that we have introduced measures, which, in our opinion, tended to improve the country. But I certainly must ask the House to give us the power of introducing this Bill, which shall be, as I have said, of the limited duration of two years; for I think it would be imprudent in the Government not to ask, and imprudent in the House not to concede, the powers necessary for the preservation of order and peace in Ireland, which it is admitted on all hands the Acts of Parliament and the conduct of the Administration have hitherto tended to secure.

Mr. M. J. O'CONNELL said, the noble Lord, by consenting that the Bill should be limited to two years, had admitted that to propose to continue it for four years, was a monstrous proposition. This measure was first brought in at a time when many Members felt themselves forced to give an unwilling support to it, but it was to be of short continuance; and when they knew that Ireland was in a state of security and peace from one end to another, he thought it very strange that this Bill should now be brought forward. He was willing to admit that, in the present state of Ireland, there ought to be some law to prevent the unlimited possession of arms; but they ought to give up marking arms, which was useless, and the power of granting licences ought not to be in the hands of magistrates, which served as an incentive to the possession of arms.

Mr. BRIGHT said, he rose for the purpose of making an observation upon a portion, and he believed the principal portion, of the speech of the hon. and learned Member for the University of Dublin. The hon. and learned Gentleman had given notice some time ago that he would bring forward the case of the murder of Mr. Mauleverer, and that notice appeared on the paper for some days or weeks. He (Mr. Bright) was not aware it was coming on to-day, and he was not prepared to g into it; but, for the purpose of justifying Mr. M'Ghee, he would state that he had looked through the whole case, and believing that his statement was capable of proof, he was sorry that the hon. and learned Member had brought it on to-day without notice. He would not go into the Bill now, as he supposed there would be frequent opportunities, during the future stages of the Bill, except to say that there appeared to be no case made out whatever for it. The noble Lord at the head of the Government wanted to make it appear that, because there was no crime in Ireland, there was a case for this Bill. He (Mr. Bright) believed this Bill was unnecessary, and he should be disposed to give his opposition to the Bill. If the noble Lord had brought it in for one year, there might not have been the same objection to it.

Mr. NAPIER explained, with regard to the case of Mr. Mauleverer, that he should not have brought it on to-day if other hon. Members had not adverted to it.

Mr. MOORE moved that the debate be adjourned. His reason for doing so was, that there was a great number of Gentlemen who wished to speak, and it would be impossible to conclude the debate to-day.

Motion made, and Question put, "That the debate be now adjourned."

Lord J. RUSSELL said, he hoped that the hon. Gentleman, considering the lateness of the Session, would consent to the introduction of the Bill, and on the second reading he could state his objections to it. If he would do so, he should have a full opportunity of discussing the merits of the Bill.

Mr. C. ANSTEY should oppose the progress of the present discussion. This Bill had been moved for without notice, and against the forms of the House, and it was for the purpose of coercion. He wished to adhere to the forms of the House for the purpose of preserving the constitution. They ought not to proceed with this measure without having before them the returns of crime and outrage. Why had those returns not been made?

Sir G. GREY said, the only departure from the ordinary practice was, that in ordinary cases leave was given without a debate, and in this case there was a debate.

Mr. SCULLY said, the right hon. Gentleman had given no answer to the question of his hon. and learned Friend the Member for Youghal as to the returns of crimes and outrage last year in Ireland. They were not moved for till the 12th of July, and they could not be in possession of them yet.

Sir G. GREY replied, that he was not aware those returns had been moved for at all.

Mr. MOORE said, he had not the slightest objection that the debate should go on if that was for the convenience of the House; but he did not think it right that the statement of the hon. and learned Member for the city of Dublin should go forth to Ireland, containing, as it did, many erroneous statements, without an answer.

Mr. TORRENS M'CULLAGH said, the statements of the hon. and learned Member for the University of Dublin were calculated to create so much misapprehension, both in Ireland as well as in this House, that he could not allow the Bill to be introduced till he had attempted to confute them.

Mr. HUME called upon the Government to consent to the adjournment. The Bill proposed to suspend to a certain extent the constitution in Ireland, and it ought not to be hurried through.

The House divided:—Ayes 29; Noes 89: Majority 60.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. C. ANSTEY would then move the adjournment of the House.

Whereupon Motion made, and Question put, "That this House do now adjourn."

Mr. BRIGHT objected to Irish legislation being carried on at two o'clock in the morning. He had left the House last night on the understanding that what was called the Landlord and Tenant (Ireland) Bill would not be read a second time that night.

Lord J. RUSSELL said, he would not bring this Bill forward later than eleven o'clock that night. He begged distinctly to deny that the principle of this Bill was a suspension of the constitution.

Mr. G. A. HAMILTON disclaimed any intention to mislead the House as to the second reading of the Landlord and Tenant Bill.

Sir G. GREY said, the Bill had been read a second time on the understanding that it would be materially altered in Committee.

Motion, by leave, withdrawn.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate arising.

Debate adjourned till after the other Orders of the Day.

PARLIAMENTARY RETURNS.

Mr. BOUVERIE laid on the table of the House two large manuscript volumes of returns relating to turnpike-road trusts, which had been moved for by one of the hon. Members for Glasgow, relating to turnpike trusts. The hon. Gentleman said he laid these returns on the table of the House in order that hon. Members might be enabled to form a judgment as to the nature of the returns which were often moved for, in many cases with little or no practical object, and the printing of which put the country to an enormous expense. Great trouble and time had been already expended in the preparation of the returns which he now exhibited.

Mr. E. ELLIS had only to say he hoped they were not about to add to the trouble and expense already incurred by ordering these returns to be printed.

Mr. W. PATTEN quite agreed with the hon. Gentleman opposite that much needless trouble and expense were incurred in the preparation of returns, which were often calculated to subserve no object of public advantage. The returns could not be printed without the consent of the Printing Committee; but this was only one instance out of many of the great expense and trouble which were often incurred for returns equally valueless with the present. He remembered one instance in which no fewer than 30,000 letters had to be written for the purpose of obtaining the information wanted, and when it was obtained it turned out to be different from what had been anticipated by the hon. Member who moved for it.

Mr. ROEBUCK thought it would be of great advantage to appoint a Committee, or some other authority, to superintend the ordering and preparation of returns. At present, when returns were moved for, it very rarely happened that a dozen Members knew what was passing in consequence of the buzz of conversation in the House, and in a single instant it often happened that the question was put, and the order of the House made, which led to a great expenditure of money and labour. This would be avoided if the previous sanction of a Committee were necessary to the procuring of returns.

Mr. SPEAKER would remind the House that the Printing Committee some time ago recommended hon. Members, before they moved for returns, to consult the librarian, in order to ascertain whether the information required might not be had by other means. If hon. Members would adhere to that recommendation, the expense of preparing voluminous returns might in many cases be avoided.

Mr. CORNEWALL LEWIS said, that at present, when the head of a Government department was asked whether he had any objection to lay such and such returns upon the table, he, being considered a party interested, was unwilling to offer any objection, unless there was some public reason for doing so. But it seemed to him that what was principally wanted was some impartial tribunal, who would look into the subject and decide in each case whether it was worth while to incur the necessary expense of procuring the returns.

Mr. DISRAELI hoped the House would pause before imposing any restrictions upon the obtaining of information. He admitted there were considerable abuses under the present system; but still the abuses were not so great as they were twenty years ago. Considerable improvements had been introduced into the regulations with regard to returns since that time, principally, he believed, through the exertions of the hon. Member for Montrose; and he did not think there was anything at present to call for the interposition of the House. If hon. Members, before moving for returns, would consult the librarian, he believed that all the existing abuses would be checked, if not altogether prevented.

Mr. THORNELY said, that if Motions for returns were referred to the particular department of Government which was supposed to possess the required information before they were agreed to, he could not help thinking that much expense would be saved.

Mr. HUME thought that if Members would adhere to the recommendation of the Printing Committee to inquire whether the information required was not already before the House in some shape or other, and if, in addition to this, they would adopt the rule which he always observed never to move for returns unless they had some object in view beyond the mere desire to obtain the information, very much of the expense now incurred would be avoided.

Mr. NEWDEGATE considered that many returns were made to meet the purposes of the department, rather than with the view of affording the information required.

Mr. COBDEN said, that the conversation was originated not by the expense of printing, but by the expense of collecting the materials for printing. The rule which he adopted with regard to returns, and which he would recommend to others, was, never to remove for returns unless he meant to take some proceedings with regard to them. He thought there should be a Standing Committee appointed to whom all Motions for returns should be referred before they were ordered, with a view to ascertain, first, the probable expense of collecting the materials, and the time that would be required in collecting them; and, second, whether the information required was not already in existence. The library was already incumbered with returns which Members, with very little pains, might have collected from other documents already published; indeed, he must say, that he believed few persons examined into facts and figures more than he did, and yet he was astonished to find that the current statistical details published by the House contained almost everything he wanted.

Returns ordered to lie on the table.

SMITHFIELD MARKET.

Mr. G. J. HEATHCOTE wished to put a question to the right hon. Baronet the Secretary for the Home Department, respecting the correspondence which had taken place between the Government and the corporation of London consequent on the recommendation of the commissioners in favour of the removal of Smithfield market, and also as the course Government proposed to take in the matter?

Sir G. GREY said, it was intimated on a former occasion that the Government concurred with the recommendations of the commission respecting the removal of Smithfield market to another place. A copy of that report had been sent by the Government to the corporation of London, on the 24th of June last, calling their attention to the recommendations contained in it as to the discontinuance of Smithfield market, and desiring to know if the corporation were willing to engage in the construction of a new market. An answer had been received only to-day from the City Remembrancer, which he would read:—

"Guildhall, July 31.

"Sir—In answer to your letter of the 24th of June, I am directed by the Markets Improvement Committee of the Corporation of London, in pursuance of an order of the Court of Common Council of the 23rd of July, to state that your letter, and the reports accompanying it, have been fully and maturely considered; and, the notice of the corporation having been drawn by your letter to the recommendation of five of the Commissioners for the discontinuance of the present market at Smithfield, and the establishment of a new market for the sale of cattle without the city, the corporation are advised to protest against the commission being used for the purpose of affecting the rights prescriptive, chartered, and parliamentarily and judicially confirmed to the corporation of London, and cannot concur in the proposed removal of the market from the place where it has been held by the citizens of London from time immemorial under the common law and their charters, which prohibit the establishment of any other market within seven miles of the city, and which charters have been confirmed by Parliament and lately supported by the judgment of the House of Lords, assisted by the Judges. The corporation of London, therefore, feel themselves called upon to maintain those charters for the sake of the public and of their fellow-citizens, and rely with confidence that no such Bill as that referred to in your letter will be proposed to Parliament. The corporation having recently prepared a comprehensive plan and model for the purpose of meeting the suggestions pointed out by the reports of the several Select Committees of the House of Commons, and proposed means for effecting it, they cannot undertake the task of constructing a new market without the limits of the city, for which no site, nor plan, nor estimate is suggested; whilst the plan proposed by the corporation is ready when sanctioned by Parliament for immediate execution.—I am, Sir, your obedient servant,

"E. Tyrell, City Remembrancer.

"George Cornewall Lewis, Esq."

As he had said, the letter had been received to-day, and he had only to say that the Government still concurred in the opinions of the commissioners, and in their recommendations that the market should be removed from Smithfield.

Mr. STAFFORD asked whether a Bill for the removal of Smithfield market would be brought before them this Session?

Sir G. GREY: Not this Session.

Subject dropped.

DEPUTY CORONER OF MIDDLESEX.

Lord R. GROSVENOR presented a petition from the members of the English Homœpathic Association and others, complaining of the conduct of the deputy-coroner of Middlesex, in the case of an inquest upon the body of the late Richard David Pearce. The petitioners stated that the hon. Member for Finsbury had appointed his deputy to inquire into the case of Richard David Pearce, and that that gentleman had shown so little knowledge of his duty upon that occasion that he had misdirected the jury, who, under his guidance, had returned a verdict of manslaughter against the brother of Pearce, who had in consequence been placed in the felons' ward of Newgate.

Mr. WAKLEY rose to order. The noble Lord had been kind enough to show him a copy of the petition, and he found that the noble Lord was stating what it did not contain.

Mr. SPEAKER said, the noble Lord must confine himself to the contents of the petition.

Lord R. GROSVENOR, in continuation, said, that the petitioners stated that the charge of manslaughter was ignored by the grand jury of the county of Middlesex, and that the case, when subsequently tried on the inquisition of the coroner's jury before Mr. Justice Maule, at the Old Bailey, on the 29th of October last, was stopped after the examination of two witnesses for the prosecution by Mr. Justice Maule, in the following words:—"This man seems to have been doctored as well as he could be; how any man can be found to say this defendant is guilty of manslaughter I cannot possibly imagine." The petitioners, therefore, prayed that, with a view to prevent for the future such prejudiced and inefficient performance of the judicial office of a coroner, that portion of the Act of Parliament known as the Coroners' Act, which enables coroners themselves to appoint their deputies, may be repealed, in order that the officer who actually performs the duties of the coroner may be of the choice and appointment of the county.

Mr. WYLD moved that the petition be read by the clerk at the table, which was accordingly done, and the petition was then ordered to lie on the table.

Mr. WAKLEY expressed a hope that, if he was not exactly in order, he would be permitted, through the kind indulgence of the House, to address them on the subject of this petition. He would only occupy their attention for a few minutes. The petition contained allegations of a very trumpery character, and he was really surprised that the noble Lord the Member for Middlesex, though he was the president of the Homœpathic Association, and ought to have informed the House of that fact, should have presented it. The affair to which it alluded took place last October; Pearce was tried at the end of October. Now, if the deputy-coroner had been guilty of any illegality at the inquest, why had not an attempt been made to quash the inquisition? Surely that House was not the place to complain of it. He contended that the deputy-coroner had been guilty of no illegality upon the occasion, and that not a single person whose name appeared in the petition would dare to state that he was at the inquest, or that he had read a syllable of the evidence. That House was considered a better place for advertising the quackery of the Homœpathic Institution than the courts of law. He hoped, however, that hon. Members would set their faces against this impudent proceeding. He called it "impudent," for he believed that a more audacious set of quacks did not exist, and could not be found, on the surface of the globe, than were to be found in the Homœpathic Institution. It consisted partly of noodles and partly of knaves. The noodles formed the majority, and the knaves used them as tools; and if they could contrive to get into their hands some amiable noble Lord, and to stick him up as president, they advertised their association over the world, and then, as it often unfortunately happened in such cases, too many dupes were found to become the victims of their abominable designs. Now, in this case, they had had the audacity to come to that House and to make a charge against a public officer, who had simply discharged his duty, and discharged it properly. It was, perhaps, quite right that they should have a dread of coroners, and they had a natural dread of them; and now their object was, not only to advertise their association by means of this petition at the cheapest possible rate, but to terrify coroners from the faithful discharge of their duties to the public. He knew not how far the House would allow them to succeed in their first object, but he knew that they would not succeed in their second. He had communicated, by means of the constable in attendance at the inquest, with the jurors who sat upon the body, and, in answer to his request that they would state their opinion of the conduct of the deputy-coroner on the occasion, he had received the following declaration:—

"We, the undersigned, having been twelve of the jurymen who acted at an inquest held on the 9th day of October last, in the parish of St. Pancras, Middlesex, on the body of the late Richard David Pearce, hereby willingly testify that the deputy-coroner, Henry Membury Wakley, Esq., who presided on that occasion, performed his duty in a most patient, able, and impartial manner; that he more than once stated to us in his summing-up, that he did not consider there was evidence to sustain a charge of manslaughter; and, afterwards, on attending at our request in the room where we were deliberating on our verdict, to explain a point of law, and to point out the technical form in which our verdict should be framed, on being told by us when he entered the room that twelve of us were for a verdict of manslaughter, he several times expressed a very strong opinion that it was much better that such a verdict should not be returned, because there was not sufficient evidence to justify and sustain such a verdict."

He would not, after reading this declaration, trouble—or, he would say, insult the House, by any further observations on the case as affecting the deputy-coroner. But now the right hon. Baronet the Secretary for the Home Department and the noble Lord at the head of the Government, should know what transpired at the Old Bailey after coroners and magistrates had discharged their duty and sent persons to trial, in consequence of there not being a public prosecutor in this country. He would instance the case of Pearce, and from that the cases in respect of others might be judged. He would not go into the case of Pearce, further than to say, that he thought the prisoner had been most properly acquitted at the Old Bailey; and far be it from him to fasten any guilt upon the man. But in what manner were these public prosecutions conducted? It was positively a disgrace to the Legislature that they should be conducted in the manner they were at present. He had received a statement from the constable on the subject. The coroner was obliged, when a verdict of manslaughter was returned, to bind over the constable to prosecute. The constable, in the case of Pearce, attended to the indictment at the Old Bailey; and upon being asked by the clerk whether he had employed any solicitor to prosecute, he replied in the negative. He was then told to get his witnesses together; and while he was in the passage waiting for them to be called, a very shabbily-dressed person accosted him, and said, "I know something of this case, and somebody may as well have a fee out of it as an attorney." The constable directed him to the widow, and he having applied to her, was told that she would not employ him as an attorney, but she related to him the facts of the case. The next day he entered the court with what he called a brief, and, upon reading it, the constable told him that it contained an incorrect statement of the facts; for, in fact, he had drawn it up without ever having seen the depositions, or knowing anything of the evidence given at the inquest. Subsequently, when the parties were in attendance before the clerk, the same shabbily-dressed person represented that he had been employed in the case; and when the trial took place he acted as solicitor, and counsel appeared for the prosecution. After the examination of two witnesses, the Judge said there was no case, and the prisoner was very properly acquitted. Next day, when the constable went to apply for his expenses, the self-appointed attorney thrust himself into the room in company with the widow and the constable, but, having first been formally repudiated by the widow and constable, at the instance of Mr. Clark, the very respectable clerk of arraigns, who knew the man thoroughly well, he was ordered to withdraw. When the constable came out, the man came up to him and said, "You must get me something; if you will give me half-a-crown it will act as a draw; the jurymen will then put down something in consideration of my services to the widow, and then I'll give you back your half-crown." The constable was too sensible a man to do anything of the sort, and the man accordingly was obliged to give up the attempt. The attempt, however, exhibited in a very striking manner the sort of thing that was going on at the Old Bailey. Another illustration was, that when the constable went again for his expenses he had first to pay 3*l.* 0*l.* 6*d.* out of his own pocket for dues, the details of which were refused in a very off-hand manner, so that when he got 3*l.* 18*s.* paid to him, he received, in fact, only 17*s.* 6*d.* for his expenses. Now, this was a disgraceful state of things. He trusted the right hon. the Secretary for the Home Department would take it maturely into consideration during the recess; and then, out of this trumpery petition, the public would be the gainers by having a public prosecutor employed.

Lord R. GROSVENOR hoped that, after the terms in which the association of which he was president had been spoken of, he would be indulged for a few minutes while he vindicated that body and himself. He quite admitted that it was very inconvenient, generally speaking, that the House should be made the arena for attacks upon men in the performance of their public duties; but sometimes it became necessary to bring forward complaints of the kind. He thought the circumstances of the present case were sufficiently grave to warrant his interference.

The grand jury had ignored the bill, and the trial took place on the coroner's inquisition. The consequence of that was, that a man who had been suffering from a recent severe attack of cholera, and who was labouring under all the anxiety of mind incident to his position, was committed to a felon's cell in Newgate, where he had no opportunity of seeing his wife and family, and where he was compelled to sleep on a mat and a horse cloth. He was kept there for seven days, until a Judge in chambers could be seen, in order that a change in his condition could be effected. He was eventually removed, with the view of making room for the Mannings in his cell. With regard to the association which the hon. Member for Finsbury had stigmatised as being composed of knaves and dupes, he (Lord R. Grosvenor) could only say that that association was composed of gentlemen of high attainments, excellent medical education, and extensive practice, and, therefore, they could afford to pass by such attacks as had now been made upon them. He trusted the House would consider him justified in bringing so serious a case forward.

Mr. ROEBUCK objected to the practice of bringing before that House judicial matters which had been fairly tried at the Old Bailey. He thought that instead of one man calling another a humbug and a quack, the House would be far better employed if they refused to countenance these personal squabbles. He hoped that the House would be protected in future against the presentation of such wholly irregular and improper petitions as these, which, got up to promote personal objects under public pretences, were so managed as to evade the rules of the House by a side-wind. The House of Commons was not a court of appeal from the Old Bailey.

Mr. HUME was glad of the occurrence of anything which directed the attention of the Government and of the House to the expediency of instituting a public prosecutor, an officer, as every day's experience manifested, eminently needed to protect the innocent, and to enforce the prosecution of the guilty. The appointment of Mr. Wakley, Jun. to the deputy-coronership of Middlesex had been confirmed by the Lord Chancellor.

Petition laid on the table.

SUPPLY—HOLYROOD PALACE.

The House then went into Committee of Supply; Mr. Bernal in the chair.

(1.) 1,650*l.* Repairing and Fitting Apartments in Holyrood Palace.

Lord SEYMOUR said, that some apartments in Holyrood had lately become vacant, and they were being prepared for the occasional reception of Her Majesty in passing through Scotland. The vote was only for repairing and painting, and not for furniture.

Mr. HUME wanted to know if Holyrood was to be fitted up as a palace?

The CHANCELLOR of the EXCHEQUER said, that it would be a great convenience to Her Majesty in passing through Scotland to be able to sleep in Holyrood, and the apartments which had been given up were to be prepared for that purpose.

Mr. HUME thought, that in these days of quick transit, and considering what good hotels there were in Edinburgh, they were commencing an ill-advised expense. Sixteen hundred pounds appeared a small sum; but the Queen could not occupy those apartments without four times that expense being incurred. He thought they were going too far as regarded Royalty and Royal palaces, and they were not the friends of Royalty who brought such acts before the people in these times of depression. If he was satisfied that this sum would be the whole expense he would not say a word, but when it was remembered that when the Queen was in London there was an allowance of 192,000*l.* for household expenses and 131,000*l.* for salaries for household servants, besides 14,000*l.* for the Royal bounty and other sums, there ought to be some consideration shown. He entered his protest against the way they were going on with the public money.

Colonel SIBTHORP said, no one could be more anxious than he was to assent to any measures that might promote the comfort and convenience of any branches of the Royal Family, but he thought this was a regular job, got up by parties in Scotland. He would therefore move that the vote be reduced by 800*l.*

Lord J. RUSSELL said, the hon. Member for Montrose looked with a proper jealousy on any grant of public money, but he thought he would see that this was not one to be complained of. It was not the commencement of a large expenditure; but there were some rooms vacant in Holyrood Palace, which had been occupied by the Countess of Strathmore. Her Majesty would provide the furniture for these rooms, so that no expense for that purpose would be thrown upon the public. The hon. Member for Montrose seemed to consider this vote an unnecessary expenditure; but he (Lord J. Russell) thought the Committee would not be disposed to blame Her Majesty for visiting the Highlands, when it was known that Her Majesty and the Royal children derived great benefit from a residence in that part of the country. He considered, then, that as on her way to Her residence in the Highlands Her Majesty had to pass through the metropolis of Scotland, where there was a palace which formerly belonged to the Kings of Scotland, Her Majesty might be anxious to occupy apartments in that palace, and he therefore hoped the Committee would assent to this vote.

Colonel SIBTHORP begged to ask whether Her Majesty had made any request for this grant, or had any knowledge that such a vote would be proposed ?

Lord J. RUSSELL would state what had occurred on the subject. He had informed Her Majesty, upon the report of the Duke of Hamilton, the keeper of Holyrood Palace, that the apartments occupied by the Countess of Strathmore were vacant, owing to the decease of that lady; and he asked Her Majesty whether She would wish to occupy those apartments during Her visits to Scotland. Her Majesty informed him that she would wish to occupy those apartments on her way to or from Balmoral. He (Lord J. Russell) then stated, as it was his business to do, that a small outlay would be required for repairs, and he thought, after such an intimation on the part of Her Majesty, that it was the duty of Her Ministers to take care that the rooms were water-tight and fit for Her Majesty's occupation.

Colonel SIBTHORP said, that after the noble Lord's explanation he would not say another word against the vote.

Mr. HUME said, he was far from imputing any blame to Her Majesty, as the noble Lord seemed to suppose he had done. He greatly approved of the tours Her Majesty had taken in various parts of the kingdom; but, as a very liberal sum was allowed to defray the Royal expenditure, and as when Her Majesty was in Scotland her expenditure in this country would be diminished, he had thought this vote objectionable. As it seemed, however, that the grant was merely intended to place the apartments in tenantable repair, and that Her Majesty would provide the requisite furniture, he would not oppose the vote. At the same time, he must say he regretted Her Majesty had not fixed her residence in a better part of the city. He would suggsst that a more desirable and healthy residence might have been found in the new town, or in the Castle.

Vote agreed to.

SUPPLY—THE NEW HOUSE OF COMMONS.

(2.) 9,400*l*. Alterations in the New House of Commons.

Sir D. NORREYS said, he had given notice of his intention to ask whether it was intended that the House which they now occupied should stand after the completion of the new one until they had had an opportunity of trying the effect of the alterations. They should take care that in allowing Mr. Barry to put a new ceiling as an experiment, which might after the vacation be found not to be successful, that they should find the present Houses still remaining, in which they might transact business, instead of finding themselves confined to one which was not so available. He hoped they would not be deprived of the present House till it was known the new one was available.

The CHANCELLOR of the EXCHEQUER assured the hon. Baronet that it was not intended to pull down the present House of Commons, for the New House would not be fit for occupation by Members until next Easter, and therefore until that time they would continue to sit in the present House. A plan of alterations had been submitted to the Committee by Mr. Barry, which would be distributed to Members. The Committee were of opinion that, under this revised plan, the New House would afford more accommodation than was at present afforded. The only matter about which there was any doubt was as to the hearing in the New House. The Committee had examined several witnesses on that point, but they certainly had not been much enlightened by their evidence. It was, however, intended to try certain experiments with a view to improve the hearing in the New House.

Colonel SIBTHORP said, there were parties in the House—a very important and useful body, deserving every consideration—who ought to have opportunities of hearing and stating correctly what took place during the debates; but he believed that in the New House they would be placed under some disadvantages. He would not say anything about the harmony of the building, because he never thought much about it. Members were in danger of breaking their necks even before dinner, and what might be the case afterwards he could not say. There was step after step, and he had the other day noticed an hon. Member in the New House nearly tumble into the lap of a right hon. Gentleman in an attempt to approach the Speaker's chair. He could only say that he would be sorry to employ any Member of the Committee in building a pigstye. The New Palace at Westminster was not a house built for business. As he had said before, he thought the building was much more fitted for a harem than for the purpose for which it was intended. What business did hon. Gentlemen do when they were in the New House? Why, they stared about at each other like so many scarecrows. They did not know at what door to go in, or at what door to go out. He declared he didn't. Nobody knew whether the building was to cost three millions, three millions and a half, or four millions; and he thought a most unwarrantable and unjustifiable expenditure had been already incurred, and that the whole affair was a gross job. He wished the Chancellor of the Exchequer would state whether this vote of 9,400*l.* was all that would be required for alterations.

Mr. HUME thought this was a vote at which they had great reason to be ashamed. They had already spent a million and a half, a considerable portion of that sum having been expended upon a chamber for the Members of the other House which turned out to be altogether unfit for its purpose. Then, with regard to the New House of Commons, if there had not been data upon which to proceed, if there had not been opportunities of ascertaining the number of persons to be accommodated, and the space which could be appropriated, there might have been an excuse for the result. And yet the House was still called upon to waste the public money upon a man who had shown himself utterly incapable of adapting the building to the purpose for which it was intended. He did not deny that Mr. Barry had acquired a character for high taste in architecture; but the question was, were his acquirements practically useful? On their way to the New House of Commons they had to pass through two or three immense rooms, but for what purpose they were intended nobody knew. They then entered the room where the Commons of England ought to have been accommodated. The money they had expended upon that building was enough to have provided golden seats for the Members; but yet it was utterly unfit for it purpose. This vote was intended to destroy the appearance of the chamber, by putting up an artificial roof which blocked up half the windows. Why, any schoolboy would be flogged for designing such a place. He was satisfied they might build another palace for much less money than they would have to expend in completing and altering the New Houses. It appeared to him, when he looked at the distance Members had to go from one place to another within the New Houses, as if great trouble had been taken to make the building, not only as expensive, but as inconvenient, and as little suited as possible to the purposes for which it was required. He would propose that some architect should be employed who was capable of adapting the building to those purposes. There were architects who had constructed buildings within their estimates. He believed that in the case of the Archbishop of Canterbury's Palace and Buckingham Palace the estimates had not been exceeded. He would vote against the grant.

Mr. STAFFORD regretted that the hon. Member for Montrose had not made some distinct proposition, because, upon his showing, the New House of Commons was altogether unfit for the accommodation of Members. The hon. Gentleman had said this was a vote of which the House ought to be ashamed; and that appeared to be the opinion not only of hon. Members generally, but also of the community. But wherever they attempted to place the blame, it was shifted to some one else. If the blame was charged on Mr. Barry, he charged it upon a Committee, the Committee charged it upon another Committee, both the Committees put it upon the Woods and Forests, the Woods and Forests charged it on the Government, and the Government upon that House. There was no one who would not acknowledge that the proceedings with regard to this building had been most unfortunate. They had spent upon it nearly 2,000,000*l.*, and the principal room was a complete, decided, and undeniable failure. He must take that opportunity of observing that whoever built the House in which they were then assembled, deserved the acknowledgment of their gratitude. He did not know the name of the builder, but having, under circumstances of great difficulty and urgency, and without the assistance of a Committee, built them a room which, though it had always been considered temporary, afforded them, as compared with the elaborate and gorgeous edifice they were now and then obliged to enter, the greatest convenience and accommodation, he was entitled to great credit. He (Mr. Stafford) would not take upon himself the responsibility of refusing this vote, because he felt, with other hon. Gentlemen, that the New House of Commons was at present wholly unfitted for the purpose to which it was to be devoted. He had understood, however, that the expense of the experimental roof in that House was to be only 100*l.*, and he wished to know how it was that there was an additional charge of 700*l.* for that purpose in the vote?

Mr. SPOONER said, that 800*l.* appeared to him an extravagant charge for the deal roof which had been erected in the New House.

The CHANCELLOR of the EXCHEQUER could not avoid expressing his regret that the New Houses had cost so large a sum of money, and that the chamber designed for the House of Commons appeared unfitted for its purpose, both in point of accommodation and of hearing; but he did not think the discussion that had taken place was likely to lead to any practical conclusion. Now, with regard to the accommodation, a Committee of twenty-one Members had been appointed a short time ago, who had made most diligent inquiries on that subject. The plan to which he had before referred was the result of their inquiries, and he believed the sum asked for would be the utmost amount it would be necessary to expend to provide adequate accommodation for the Members. Under that plan more accommodation would be given to Members, both on the floor and in the galleries, than was afforded in the present House, and amply sufficient, he thought, for as many Members as were likely generally to attend. He agreed with the hon. Member for North Northamptonshire as to the great convenience and accommodation of the House in which they were then assembled, and he thought if they had as much, or rather more accommodation in the new House, they would have no reason to complain. He wished he could speak with equal confidence on the subject of hearing; but he must fairly say that he felt himself quite unable to give any positive assurance on that point. Three or four gentlemen most learned on the subject of acoustics, Dr. Reid, Mr. Scott Russell, Professor Wheatstone, and Professor Faraday, were examined before the Committee; but he did not think the Committee gained much knowledge from their evidence. Professor Faraday admitted that he could not give a confident opinion on the point. He (the Chancellor of the Exchequer) had made inquiries from many parties concerned in the erection of buildings, and he found in the case of churches, for instance, that one church might be admirably adapted for hearing, while in another, built upon precisely the same plan, it was scarcely possible to hear at all. It was, he understood, easy to build an apartment in which a person speaking from a given point, as from a tribune, would be heard in all parts of the room; and he believed that in the New House, a person speaking from a particular point would be as well heard as he understood counsel were when speaking from the bar of the House of Lords; but he had been informed that it was impossible to build a room in which it could be certainly predicted that the hearing would be equally good in all parts. The Committee had felt that they were unable to come to any conclusion without trying experiments upon this subject; and they determined to try the experiment of a boarded roof in the New House of Commons, which hon. Gentlemen had seen on Wednesday, and which cost little more than 100*l.* During the sitting on that day several Members of the Committee endeavoured to ascertain the opinions of Members as to whether the hearing was improved or not. He believed that of some twenty or twenty-two Gentlemen he had asked, ten were of one opinion, and twelve of the other. He thought the majority were of opinion that the alteration had been beneficial; but he must admit that many Members said they considered they did not hear one whit better than before. He believed the sum of 800*l.*, which was proposed to be taken in this vote, would be more than sufficient to defray the cost of the experiments which it might be found necessary to try.

Mr. Alderman HUMPHERY inquired what was to be done for the 8,600*l.*? He asked the question, because he would guarantee that another House and a far better one, could be built for 10,000*l.*

The CHANCELLOR OF THE EXCHEQUER stated that it was proposed, in the first place, to remove the wood screen at each end two feet backwards. [Mr. BRIGHT: And the reporters' seats.] He believed they also would be removed two feet back. [The right hon. Gentleman then proceeded to point out upon a plan on the table various alterations proposed to be made for the convenience of Members in the means of access to different parts of the House, and in some other respects.] No Members would sit in the south gallery, but it would be appropriated to distinguished visitors and strangers. The side galleries would be widened, to allow two rows of seats.

MR. ALDERMAN HUMPHERY would like to know whether the Government had got estimates for all these alterations, and whether they amounted to 8,600*l.* ?

The CHANCELLOR OF THE EXCHEQUER said, that a Committee of the House, consisting of most experienced Members, had investigated the subject, and they had come to the conclusion that this was the best mode of affording the requisite accommodation.

MR. LACY thought it would be well to try the effect of hanging up a number of banners in the House, and placing drapery to the windows.

MR. PACKE knew that in Whitehall Chapel, where formerly not a syllable could be heard, the congregation now, since drapery had been hung about it, heard perfectly; the echo was destroyed.

SIR B. HALL believed the New House would afford ample accommodation for the number of Members likely to attend. Out of the 656, there were not, perhaps, 300 who attended constantly, and if there was ascommodation for a great portion of the Members outside the body of the House, the business would go on quite as well. If there was accommodation on the floor for 320, and for 150 more elsewhere, it would be sufficient. The Committee desired Mr. Barry the other day to give them an estimate of what would be the fullest and amplest cost of the alterations; they requested to have an outside sum mentioned, so that they might not be called upon to provide anything more; and this estimate had been handed in under those directions. He (Sir B. Hall) would suggest that the whole matter should be placed under the control of the Chief Commissioner of Woods and Forests—no man was more fit for it; and that he should be the responsible person in the House to answer questions and give information. He meant no disrespect to the hon. Member for Lancaster, who, he believed, would be glad to have the business under the control of some officer of the Crown.

MR. B. OSBORNE retained the opinion which he had always held, namely, that the New House would be unable to contain the Members, and that they would not be able to hear in it. The only thing the House was fit for was to hold the Exhibition of 1851, and he thought it should be devoted to that purpose. They all knew that Committees were of no use, and nothing would come of appointing one to inquire into the circumstances of the case. He wished to ask the Chancellor of the Exchequer a financial question, whether he had come to any determination as to the payment of the architect ? That question had been going on for many years, and appeared to be still an undecided one. The original contract with Mr. Barry was broken. The original contract with that gentleman was for 25,000*l.*, and he now demanded to be paid 75,000*l.* Was the Chancellor of the Exchequer going to pay the 75,000*l.*, or to enter into a lawsuit on the point? He (Mr. Osborne) believed that Mr. Barry had a just claim; but he wished to see the matter decided one way or the other, and that some statement should be made respecting the sum the architect was to get. He did not wish to make any attack on Mr. Barry, because he thought that gentleman had acted quite right, since the Government and the House were so undecided, to indulge his own taste, and to make them pay for it. He (Mr. Osborne) would be glad to give Mr. Barry 150,000*l.*, and be quits with him. With reference to the suggestion of the hon. Baronet the Member for Marylebone, he (Mr. Osborne) thought it was a very bad plan. It would be a better as well as a cheaper way to have a paid officer; but it was totally impossible that one who had so much on his hands as the Chief Commissioner of Woods and Forests should be able to attend to the completion of the New Houses of Parliament.

MR. FORSTER hoped that the plan of the hon. Baronet the Member for Marylebone would not be acted upon, but that the question should be left to Mr. Barry himself.

MR. B. OSBORNE: It is a question for this House and the country to decide upon.

Mr. NAPIER, as one who was well qualified to speak as to the capacities of the New House for hearing in, could say, that in consequence of the alterations, he had found great facilities in hearing when the House met in the new chamber on last Wednesday.

Lord R. GROSVENOR said, that whatever might be thought of the accommodation provided for Members in the New House, he could not say much in favour of the accommodation which was likely to be afforded to strangers, which he thought would be found wholly insufficient. It was a matter for regret that those who came to hear the debates should find in the new less accommodation than in the old House. There were sittings for sixty-four visitors in the New House, but in that House he believed the number was greater. There were at that moment sixty-four persons in the gallery.

Sir B. HALL begged to inform the noble Lord that there was accommodation for only fifty-three visitors in the gallery of that House.

Mr. PACKE thought the accommodation for Members in the New House was inadequate. During the debate on Irish legislation, in 1841, there were more than 600 Members assembled in that House, and if so large a number were collected in the New House, no place would be found for them.

Mr. T. GREENE said, his hon. Friend had to go back a long time, as far as 1841, for an instance in which above 600 Members had assembled in that House; but none could say that on ordinary occasions that House was too small for the Members who met in it. Allowing twenty inches for each seat, there was accommodation in that House for 446 Members, and on the same calculation there would be room for 468 Members in the new House. If they made it large enough to hold all the Members, it would be found utterly unfit for the transaction of business.

Mr. Alderman HUMPHERY said, the present House was so small, that it held out an encouragement to vice; because Members who could not find room in the House went into the smoking-room, where they would not go if they could find room in the House, and some went into the library. They might see numbers in the library, where they sat and slept. That House was not sufficient for the Members, and the New House would only hold half the number. The hon. Baronet the Member for Marylebone said one-half of the Members might be in the House, and the other half waiting outside, probably in Palace-yard. Now, could anything be so preposterous as that they should have spent three millions of money on the new building, and that the House of Commons should not be able to contain more than half the Members after all?

Sir B. HALL said, that when Mr. Abercromby was chosen Speaker, 626 Members voted, 310 on the one side and 316 on the other; and the division was not then taken in the lobbies, but every Members was told in that House.

Mr. B. OSBORNE was inclined to think that the acoustic properties of the present House could not be particularly good; for he had put a question some minutes since to the Chancellor of the Exchequer, which did not seem to have been heard.

The CHANCELLOR of the EXCHEQUER begged pardon of his hon. and gallant Friend, but he thought it better to wait, and give one answer to the numerous questions that were put to him. He agreed that Mr. Barry was entitled to a much larger remuneration than the 25,000*l.* which he was to have been paid under the original estimate; but what the precise sum might be had not yet been settled. [Mr. Osborne: Has he received anything already?] He believed Mr. Barry had received 25,000*l.* He must observe that Members would be very much indebted to the hon. Baronet the Member for Marylebone for the attention and the skill which he had bestowed upon the arrangements of the New House. As to the subject of hearing, the hon. and learned Member for the University of Dublin was a peculiarly valuable witness.

Mr. BRIGHT said, he thought the House did not properly treat those whom they chose to call "strangers." He thought that the turning of them out whenever there was a division, was an useless and almost barbarous custom, and there ought to be accommodation for a greater number than there was at present. Apart from feelings of private curiosity, he believed there was a great public advantage in allowing to be present as many as they could find accommodation for. They came and understood the forms in which the business of the House was conducted, many of them most admirable forms; they had created in them a strong interest in public affairs, which was communicated to their families, and to the circles in which they moved; and he thought the more they could bring the actions and the opinions of that House into harmony with the intelligent portion of the public out of doors, the better. He was extremely anxious, therefore, on public grounds, that the Committee, in making the alterations which they were about to make, should consider that the accommodation of the public was a really important matter, and that they should accommodate as many as circumstances would permit.

Mr. HUME said, if the contract had been broken, it had been broken by the alterations made by Mr. Barry himself, and on that account he ought not to be paid. The late Sir Robert Peel penned the resolution of the Committee, and it was sent to the four architects before it was determined that Mr. Barry should build the House; and they were informed that that was the sum the architect would be paid. The Committee gave to Mr. Barry the number that was to be provided for, and the number of visitors, three times the number accommodated in the present House; and it was quite discreditable to find that an architect who received those instructions, both as regarded the number of visitors and of Members, should so completely have failed in every respect as he had done. They had heard of Committees. Who had appeared before the Committees and advocated alterations? Mr. Barry. Mr. Barry had found it convenient to get Committees appointed, to recommend alterations, and to be answerable for them, he receiving a per centage on the cost. It might be the fault of Mr. Barry with regard to ventilation; but the dispute between Mr. Barry and Dr. Reid was most discreditable. He agreed in the opinion that had been expressed, that the Chief Commissioner of Woods and Forests had already too much to do to undertake this matter, and he thought it ought to be committed to one individual, who would give his undivided attention to it.

Lord D. STUART agreed with his hon. Friend the Member for Manchester that there should be more accommodation for strangers, and said, he could see no good, but great inconvenience, in the practice of making them withdraw during divisions. Last night, a division was called, and strangers had withdrawn, a Minister got up to make a speech, Members observed that the reporters had withdrawn, and, of course, began to cry out, "Gallery!" The withdrawal of strangers always contributed to confusion; and if it were necessary that strangers should withdraw, he suggested that the reporters for the press should not withdraw. They could not by any means run any danger of communicating with the House, or getting into the lobby. By not withdrawing they would not be themselves inconvenienced, and they could hear observations which it might be of consequence that they should hear. With regard to practical convenience, he believed that they would have a better and more convenient House than that which they were now met in. The hon. Member for North Northamptonshire said he did not know who built the present House. He (Lord D. Stuart) did not know either; but he knew who ventilated it, and he never knew any room which was more perfect in that respect. They were never too hot or too cold, and he thought very great credit was due to Dr. Reid.

Sir W. JOLLIFFE agreed that it was impossible to expect the First Commissioner of Woods and Forests to undertake the duty suggested for him, and thought the Government ought to take upon themselves the control of the expenditure. Surely the Chancellor of the Exchequer, who came down to propose votes of the public money, might see that it was expended for the benefit of the public. He ought to call to his aid some scientific man to guide him in the future expenditure of money. He wished to put a question with regard to the ventilation of the New House and the Committee-rooms. He had now taken a share in the business of Committees for four Sessions, yet the ventilation of the Committee-rooms remained in the same defective state of which so many complaints had been made. The other day he saw five enormous boilers on one side of the court-yard, and he was told there were six others on the opposite side. He believed they were intended for the ventilation of one part of the new building. The expense would be enormous, and he did hope that before it was incurred the Government would take care that the money was well laid out.

Mr. SPOONER wished to know whether the ventilation of the New House was to be under the control of one person, or whether two were engaged in it?

Mr. T. GREENE said, that the ventilation of the chamber of the New House and the rooms immediately adjoining was to be under the control of Dr. Reid. The ventilation of all the rest of the House was placed under the control of Mr. Barry. The hon. Member's complaint of the defective ventilation of the Committee-rooms was a reasonable one, and he trusted that before next Session all the Committee-rooms would be properly warmed and ventilated. Having necessarily seen a great deal of Mr. Barry, and having observed the pains taken by him to make the New Houses complete, he thought that the terms used by the hon. Member for Montrose were altogether uncalled for. The hon. Member alleged that the whole of the expense incurred beyond the estimates was attributable to Mr. Barry. This subject had been fully discussed by a Committee appointed in the year 1844, who imputed no blame to Mr. Barry on the score of unauthorised alterations. On the contrary, all the alterations made were for the convenience of the House; and the Committee reported that Mr. Barry had not been the cause of the increased expenditure that had taken place. The labour Mr. Barry had undergone was infinitely greater than that of any architect of any other public building, and it did seem hard that he should be the subject of such remarks as had fallen from the hon. Member for Montrose.

Sir H. WILLOUGHBY complained that no one was responsible for the money now being expended. The responsibility of the Chancellor of the Exchequer was limited to the proper appropriation of the money voted. There was also no responsibility with the Commission of which Earl de Grey was at the head, because they had no power.

Sir D. NORREYS agreed with the hon. Member who had last spoken that some responsibility was required. Mr. Barry had had the uncontrolled expenditure of the largest sum of money that any one architect had ever had before. Well, were not the Committee ashamed of the result? ["No!"] Why, there had been an universal acknowledgment that the New House was a failure. He blamed Mr. Barry for not having placed himself in the position of adviser to the House, and presented such a report as would have shown the House what they were doing when they were incurring useless expenditure. The architect ought to consider himself like a physician, morally responsible to his patient for the result of his practice. He did not blame Mr. Barry for the deficient accommodation of strangers; because he was told that, long ago, Mr. Barry had suggested the construction of a second gallery, to be solely applied to the accommodation of strangers, and which would have held three times the present number. Was it not shameful, and a scandal, for a constitutional assembly to exclude the public, as the House of Commons did? They gave places to sixty strangers; being about one-tenth of the number of those who might obtain orders from Members. In Belgium and France ample and abundant room was provided for strangers; but here the House excluded those whom it professed to represent. From the plans in the hands of Members, he believed that hon. Members would find themselves, after the recess, in a more inconvenient House even than the New House was at present. For example, if a Member were in the gallery of the New House, and wished to vote with the Ayes, the door being locked according to custom, when the question was put the Member would find himself in the lobby with the Noes. He should have no objection to vote the money as a vote of confidence to the Chancellor of the Exchequer, leaving him to spend it at his discretion.

The CHANCELLOR of the EXCHEQUER should be very glad to take the money in any way most agreeable to the hon. Member. He regarded himself as responsible that the money voted by the House should be applied in the manner detailed in the estimate; and he considered the hon. Member for Lancaster and his colleagues in the Commission responsible that no deviation took place from the plans as they were approved by the Treasury.

Mr. DISRAELI felt a little inclined to object to the hon. Member's proposed "vote of confidence" at this late period of the Session, and to its being introduced without notice. He wished to remind the Committee that it was now the 2nd of August, and yet they had been debating for two hours a Motion upon which no Amendment had been moved. Considering the present state of public business, he thought it highly desirable that this conversation—for it was nothing else—should cease. If, however, there was any such mysterious machinery about the New House as that to which the hon. Baronet the Member for Mallow had alluded, and by which an "Aye" would become a "No," the Government ought certainly to take the subject into their consideration. Such a machinery certainly should not be introduced into a chamber where great constitutional disturbance might ensue. The House ought now, however, to close a discussion which had taken place towards the termination of every Session for the last three years, and which made them a scandal to Europe. There had been much talk of responsibility, but no one had defined what the term meant. Was the Chancellor of the Exchequer, if responsible, to pay for the building himself if the House did not approve of it? He would recommend the Government to reflect seriously on the fact, that no profession had ever yet succeeded in this country till it had furnished what was called "an example." For instance, you hanged Admiral Byng, and the Navy increased in efficiency till we won Trafalgar. The disgrace of Whitelock was followed by the victory of Waterloo. We had decapitated Archbishop Laud, and had thenceforward secured the responsibility of the bishops. That principle we had never yet applied to architects; and when a member of that profession was called on to execute a very simple task, and utterly failed after a large expenditure of public money, it really became the Government to consider the case, and they might rest assured that if once they contemplated the possibility of hanging an architect, they would put a stop to such blunders in future.

Mr. Alderman HUMPHERY suggested they should draw up plans and estimates of the proposed alterations, and obtain the opinion of some four builders upon the likelihood of their being executed for the proposed sum.

Mr. WAKLEY thought the temporary roof had caused a great improvement in the hearing. The New House had not had the trial to which it was fairly entitled, and every one knew it was more difficult in a new building than in one accustomed to sound. No experiments had been made on the capacity of hearing in the House; and if the House was hung round with flags, as had been suggested, he thought a change for the better would take place. Where there was so much carved surface as the New House presented, the sound would always be more or less broken; and the reason why they heard so well in the present House was, because it offered plane surfaces on all sides, which reflected the sound directly. He proposed that they should sit in the New House until the end of the Session, in order to give it a fair trial.

Vote agreed to.

SUPPLY—SAVINGS BANKS.

(3.) 30,000*l.* Cuffe-street Savings Bank, Dublin.

The CHANCELLOR of the EXCHEQUER said, that the circumstances under which the depositors came before the House were very painful. A Committee had been sitting on the subject of savings banks' defalcations, of which the right hon. the Lord Mayor of Dublin and the hon. Member for Kerry had been zealous, able, and indefatigable members, whose fault it certainly was not if the result was not so favourable to the depositors as they might have expected; and the Committee had reported to the House, and had represented the peculiar circumstances which rendered the case of the Cuffe-street bank different from that of any of the others. It was contended that if the Commissioners for the Reduction of the National Debt and the Chancellor of the Exchequer had taken steps to interfere in the affairs of the bank some years ago, when their attention had been directed to them, a different result might have taken place; and there certainly was a probability that these losses would not have occurred if they had done so. In other cases there had been the grossest negligence, not to say worse, on the part of the trustees. In one instance, proceedings would be taken against the actuaries, father and son, who could not account for money in their hands. The Committee had recommended Government to contribute a grant to relieve the loss occasioned by the stoppage of the Cuffe-street bank, which had fallen on the poorest class of persons in Dublin, and who would otherwise be exposed to certain ruin. The sum proposed would enable Government to pay those poor people about 10*s.* in the pound. That was the extent to which they proposed to go. He hoped, under all the circumstances connected with the recommendation of the Committee, the House would not refuse the grant.

Motion made, and Question put—

"That a sum not exceeding 30,000*l.* be granted to Her Majesty, to enable Her Majesty to afford Relief to the Depositors in the late Cuffe Street Savings Bank, in Dublin."

Sir J. GRAHAM wished for a more detailed explanation of those peculiar circumstances. The House was called on to grant this vote without reading the evidence, or seeing the report of the proceedings of the Committee. First, he would ask, were they unanimous in their recommendation? Next, why did the right hon.

Gentleman propose to take the precise sum of 30,000*l.*? He (Sir J. Graham) did not see any such sum recommended in the report, nor could he understand the data on which the Chancellor of the Exchequer made his calculations. The right hon. Gentleman had talked about paying 10*s.* in the pound. Why, if the claim was equitable, the whole of it ought to be paid; if that were not so, none should be paid. Then, too, he wanted to know the precise difference between the Tralee case and the Cuffe-street case.

The CHANCELLOR of the EXCHEQUER, in reply, said, that as to the first question of the right hon. Baronet, he had to state the Committee had been unanimous in recommending the case of the Cuffe-street depositors to the favourable consideration of the Government. The majority of the Committee had been of opinion that no such case had been made out with respect to the other banks. As to the question of the right hon. Baronet regarding the principle on which the Government had acted, it certainly had not been the recommendation of the Committee that a sum which would give every depositor 10*s.* in the pound should be given. It was not the opinion of the majority of the Committee, so far as he could collect, that there was any obligation on the part of Government to give the sum, but that it was to be treated as a charitable donation on the part of the Government.

Sir J. GRAHAM: On the part of the Government, or on the part of the British public?

The CHANCELLOR of the EXCHEQUER said, that it was to be looked upon as a contribution to be paid by the public.

Sir J. GRAHAM: Was that contribution to be looked on as a matter of charity, or as a matter of justice? If of charity, he regarded the case as involving a most dangerous principle—if as a matter of justice, he must say, as the case stood, he held it as one of great difficulty and importance. He repudiated altogether the proposition that they should give funds out of the public Exchequer on the grounds of charity. On the other hand, if the claim was founded in justice and equity, it ought to be paid in full. It was unworthy of the British public to compound for 10*s.* in the pound. He never had read a report with less ability to understand it than that which the Committee had presented. Nothing, as it appeared to him, could be more worthy of immediate attention than the vote before them; and he must say it was rather strange that they should be called on to vote 30,000*l.*, whether in charity or in equity, within a few days of the end of the Session, without any information. They had no information to distinguish the Cuffe-street case from the Tralee case, from the Scotch cases, or from the English cases, of which he believed there were several; and if they were to act on the principle of making charitable contributions to meet the malversations of trustees and treasurers, they would, he conceived, be opening the door to a most dangerous principle. If it was the duty of the House to meet this case, they could not confine the principle to the Cuffe-street bank, but must extend it to the English and Scotch banks as well, and they would find they had only met a small portion of the claims upon them.

The CHANCELLOR of the EXCHEQUER said, the great distinction was this—that the Cuffe-street savings bank had been insolvent 20 years ago, but had concealed its affairs from successive Governments. In 1838, however, a statement of its affairs had been laid before the Government; but the Commissioners for the Reduction of the National Debt, and the Chancellor of the Exchequer at the time, had not felt they had sufficient power to apply a remedy, and to compel the bank to wind up its affairs, but had merely recommended an investigation into the accounts, which the bank refused. In 1845, when the deficiency amounted to 25,000*l.*, the state of the bank had been again brought under the notice of the Commissioners, and the Chancellor of the Exchequer and the trustees were recommended to close their books, which they refused to do. The Committee thought that if the Commissioners had exercised their powers at that time, and if they had taken the necessary steps to close the bank, the consequences to the depositors would have been averted. The Committee, on those grounds, had thought themselves justified in recommending the case of the depositors to the attention of Government; they did not consider there was any legal liability on the part of Government to make good the deficiency; and, as there did not appear any probability of obtaining money from the trustees, the Government proposed this grant, which was, in fact, a charitable donation. Although, had he been the Chancellor of the Exchequer at the time, he would, in all probability, have acted in the same way as his predecessor, he thought the case was a fair one for the consideration of the House, and hoped they would agree to the grant.

Mr. H. A. HERBERT must protest against the course adopted by the right hon. Gentleman the Chancellor of the Exchequer in this matter, first in the formation of the Committee, and next in the proceedings which they had taken. On what ground was this money demanded? As a charitable donation, as recorded. But if hon. Gentlemen would go over the whole ground, and take all the circumstances into consideration, particularly the mode in which the opinion was encouraged among the working classes that they had the Government security for their deposits in these savings banks, they must, he thought, come to the conclusion that a right to compensation was tenable, when, by the operation of institutions to which the working classes had been taught to look for support in age or sickness, and to which the Government had given their sanction, they had been brought to poverty and ruin. It would take too long a time to go through the whole statement of this case, but he was in possession of facts which, if he could detail them, would convince the House of the justice of the claims of these depositors. It was for that reason he had appealed to the right hon. the Chanceller of the Exchequer to defer this vote; and his belief was, that if the attention of the House and of the public were properly directed to the whole facts of the case, the result would be a strong support of these claims. If the plea of the right hon. Gentleman was not for charity, but, as the right hon. Baronet had said, upon equity, in what position did the Government stand? When the question was first mooted, the right hon. Gentleman had opposed it in every possible way, and had interposed all the delay he was able in the way of any inquiry at all. For week after week, and month after month, the right hon. Gentleman had met the proposition of the Lord Mayor of Dublin with appeals to him to postpone his Motion for a Committee. At last he (Mr. Herbert) put a Motion on the paper on a supply night, to move a resolution, and the right hon. Gentleman then acceded to the proposal, and a Committee was appointed. That Committee reported at the end of the Session that they had not had time to make the inquiry, and recommended the institution of another investigation. In the next Session, the Lord Mayor of Dublin moved for a Committee for continuing the inquiry—that inquiry which had been recommended by the former Committee. That Motion was met with a denial on the part of the Government; but the Government found itself in a minority, and the result was a determination that inquiry should no longer be thwarted. The right hon. Gentleman had thus placed himself in the position of admitting—first, that the case was one for inquiry; and, secondly, that some of the parties ought to be criminally prosecuted, and thus the powers of Government had been exerted to screen those parties from the just punishment that should be inflicted upon those who had committed the worst of all frauds, a fraud upon the unfortunate poor. If the plea of the right hon. Gentleman was based on the gross mismanagement of the National Debt Commissioners, and on the misconduct of a man he must still call a Government officer—though by a quibble he was said not to be so because he was paid by fees and not by salary—he meant Mr. Tidd Pratt, then he held that on this ground also the case was the same with regard to all the banks. In the case of the bank at Tralee, Mr. Tidd Pratt was called on to make awards as between the depositors and the trustees; and after he had done so, the depotitors had to sue one of the trustees to recover the money. The case was tried in 1849, but the awards were not sanctioned, on the technical ground that Mr. Tidd Pratt had not and could not comply with his own Act of Parliament in so far as referred to serving the right notices. The case was carried by appeal before the Judges, and there a unanimous judgment was pronounced, setting aside the awards on the technical ground that he could not comply with his own Act of Parliament. Chief Justice Blackburne on that occasion volunteered to say, that in no one single part of the case had the requirements of the law been carried out by the public officer administering the law. While speaking of the gross misconduct of this officer he would refer to only one case more—that of Killarney. In the case of that bank there were assets to the extent of about 16,000*l.*, and in dividing this sum among the depositors, Mr. Tidd Pratt decided that 20*s.* in the pound should be given to those who had deposited previously to 1844, and only 3*s.* in the pound to those who had deposited subsequently to 1844. When the House considered all these circumstances, was it not clear that as great, if not greater, injustice was done to the banks to which he had referred, as to the bank brought under their notice by the right hon. the Chancellor of the Exchequer? But it was said, if they decided in favour of those banks, they would have English claims urged also. Now, he believed that if the careless and negligent manner in which the Commissioners for the Reduction of the National Debt had performed their duty was considered—if the loose manner in which the business of the banks had been conducted was taken into account, it would be conceded that the depositors in all the banks that had failed had a claim on the consideration of the House. And if it was said, those claims would exceed their means—which he did not admit—then his answer was, Let them retrench in something else; let them make fewer palace gardens, expend less upon palaces, buy fewer African forts, employ a less sum in the crusade against the slave trade, and use the money for the relief of those who had been injured at home. He was convinced that if the House would only look upon this as an important national question, as the right hon. Baronet the Member for Ripon had represented it to be, and not merely as a local question as to certain banks, they would arrive at the same conclusion with himself. When the evidence taken before the Committee of 1848 was printed at the end of last Session, it was followed by leading articles in all the daily journals acknowledging that a case had been made out in favour of the depositors. All the leading papers concurred in this view, and he trusted Parliament would not be the last to acknowledge that justice ought to be done to that poor class of depositors who had been made to suffer by no act of their own.

Mr. J. A. SMITH said, with reference to what had fallen from the right hon. Baronet the Chancellor of the Exchequer respecting the evidence of the last Committee not having been laid before the House, that this Committee had substantially sat for three several Sessions, and had taken a mass of evidence on the whole. The reports of the evidence taken in 1848 and 1849, both of them very voluminous, had been laid upon the table of the House, and the report of the evidence taken in the present year, although considerable in bulk, did not, he assured the House, contain a single fact upon which there could be a difference of opinion, or which materially varied from the facts contained in the other two reports. This last report might possibly indeed affect the question of the criminality attaching to individuals; but in respect to other circumstances, no differences worth relating existed in that document. As to the remark of the right hon. Baronet the Member for Ripon, he (Mr. J. A. Smith) must observe that if there was a legal or equitable claim upon the Government for the liquidation of these losses, it must be a claim for payment in full. If the House recognised a claim of this kind, it must recognise the whole, for they could not recognise a portion only. He believed that, with the exception of three individuals, the Committee were unanimous in their opinion on the case. [Sir J. Graham: Who were they?] To the best of his recollection they were the right hon. Gentleman the Lord Mayor of Dublin, and the hon. Members for Kerry and Cork. The Committee were of opinion that although the position of the managers of the bank was very discreditable to them, there could be no legal liability upon the Government on account of the course taken by the Commissioners for the Reduction of the National Debt. But the Committee thought that there were circumstances in the case as connected with the Commissioners which did entitle these depositors to very great commiseration from the Government. It was difficult to enter upon this subject without adverting to details, and he trusted the Committee would excuse him if he trespassed upon them at some length. There was, he believed, but one feeling in the minds of all persons who had examined the subject, that the Commissioners had exercised a very difficult duty to the best of their judgment. But it was no less true that so far back as the year 1831 a deficiency had been brought under the cognisance of the Commissioners. One of the trustees, a very respectable man, he believed, certainly one against whom he had never heard any imputation, a Mr. Foote, who was, as he recollected, a director of the Bank of Ireland, was sent over to the Commissioners for the Reduction of the National Debt to explain what had occurred, and to ask for advice and assistance. At that time the trustees offered to close the bank, and to assign over all the property and assets to trustees to be named by the Commissioners. It was clearly not within the legal power of the Commissioners for the Reduction of the National Debt to accept this proposition; but they suggested that Mr. Foote should go back to Dublin, and advise with the managers of the bank. Here he must remark, that neither while Mr. Foote was in London, nor subsequently, when Mr. Tidd Pratt investigated the case, were the facts disclosed as they really stood, but they were concealed from the knowledge of both the Commissioners and Mr. Tidd Pratt. Then Mr. Tidd Pratt recommended that a certain course should be pursued; and it was indisputable that on that advice the whole of the subsequent calamity had arisen, and undeniable that if the operations of the bank had been then suspended, the loss would have been less and easier. The bank, however, was kept open. Owing to the incompetency of the registrar, the elder Mr. Hughes, it was difficult to get at the exact facts; but he (Mr. J. A. Smith) had no hesitation in saying, that the conduct of the trustees reflected great discredit upon them. So irregular were they, and so inattentive to the conduct of the manager, that he had never before heard of a case that was similar. The bank went on with increasing deficiency until the year 1838. Then the trustees, nominally, but, he believed only nominally—the real actor in all those transactions being the registrar—sent over in that year accounts to the Commissioners for the Reduction of the National Debt, which accounts were utterly false and unreliable for any purpose whatever. But they showed upon the face of them a growing deficiency to 1833; and in 1838 the deficiency acknowledged in them amounted to 25,671*l.* These circumstances at last attracted the attention of the Commissioners for the Reduction of the National Debt, and they called upon the trustees in Dublin to consent to a thorough investigation of the whole of the accounts. This the trustees positively refused to allow, and he must say that the conduct of the Commissioners in acquiescing was much to be reprehended. Let it be remembered, however, at the same time that the only power the Commissioners had was to close their accounts with the bank, which in other words would have been effectually to close the bank itself. The bank, however, went on, and it was a remarkable fact that after 1838 there was a great increase in the deposits, and with that increase the deficiency grew larger. In 1845 the state of the bank was again brought under the notice of the Chancellor of the Exchequer and of the Commissioners for the Reduction of the National Debt. There was another case of inquiry into the conduct of the actuary of a rival establishment, and the Chancellor and the Commissioners did all they could, through Mr. Higham, short of the extreme measure of closing the bank, to induce the trustees to close it. But they positively refused. At the end of 1845 and the beginning of 1846, there was a great run upon the bank's funds, and they did not recover from that pressure. It was not until then they stopped, with liabilities to the amount of 64,000*l.*, with 90*l.* to meet them. Here, then, was an instance of discreditable conduct on the part of the trustees, which he hoped was not to be found in the history of other banks. In the week preceding the close of the bank, they had in their hands a sum of 1,950*l.* They received, on the Wednesday, notices from depositors who wished for repayment of the money they had placed in the bank to a much larger amount than the balance remaining in their hands. Knowing that they must close on the following Wednesday, what did they do? They drew out the whole of that sum of 1,950*l.*, every farthing they had, excepting the miserable sum of 90*l.*, which still remained, and distributed the whole of that 1,950*l.* among other depositors, their own friends, who had never taken any notice whatever of the state of the bank. This was a fraud of the most impudent kind that had ever fallen under his notice. Under these circumstances, and many more of the same kind which he could quote, he thought that if there was not a legal claim for compensation in this case, as the majority of the Committee had decided there was not, there was, at least, a strong call upon the sympathy and consideration of Parliament for these claimants, and one which it would be difficult to repudiate or reject. As to the Government, he did not himself think that there was either a legal or an equitable claim, but there certainly was a compassionate claim of the strongest kind. Therefore, it only remained for the House to decide whether the right hon. Gentleman the Chancellor of the Exchequer was right in purposing to give a portion only of these claims — a portion of 10*s.* in the pound. That, he believed, would be affected by two or three considerations; one of which was, whether or not the Government were bound to find the large amount of the many deposits which were wholly illegal; and a second, whether they were bound to recover something by criminal proceedings against the defaulting parties.

He was prepared to impress upon his right hon. Friend below him the importance of at least trying to obtain something in that way. The reason he wished that that extreme measure should be taken was this: That there were among the large body composing the trustees, some who could meet the demand, might be true, but it was equally true that there were some who could not; and believing, as he did, that wilful neglect and fraud might in the most direct manner be brought home to several of those who had taken a prominent and most active part in the management of the banks, and who, if he did not charge them with the committal of actual fraud, must, by their own neglect, have permitted such results to occur, he must say that such persons ought not to escape without some punishment. Thinking, therefore, that there might be ultimately something more to be obtained; that there was good ground for compensation, if not in law, and that the parties should be paid, he would say that on the ground of compassionate compensation, the Chancellor of the Exchequer, in proposing 30,000*l.*, had gone as far as, under present circumstances, propriety and necessity required at his hands. He was rather surprised at one part of the observations of the hon. Member for Kerry, in which he passed an unfavourable judgment upon the conduct of Mr. Tidd Pratt, who had certainly done his best to carry out a most imperfect law, and did not deserve the blame of the public. When he (Mr. J. A. Smith) said that, he concurred at the same time with the hon. Gentleman's remarks upon the unfortunate and, he must add, the unjust operation of the law of 1844 in the Killarney case. The bank of Killarney had failed, having deposits of 36,000*l.*, and assets amounting to 16,000*l.* By the law of 1844, the trustees were relieved from personal liability; and therefore the depositors prior to 1844 had a claim upon the trustees if default or neglect was proved; while those who had deposited subsequently to 1844 had no such legal claim, so that it became necessary to separate these two classes of depositors; and inasmuch as Mr. Tidd Pratt, in the strict execution of his duty could award no claim upon the trustees till the funds had been exhausted, he was obliged to take the names off, and to postpone the unhappy depositors since 1844, and to pay the depositors previous to 1844 a full twenty shillings in the pound; while the depositors, after 1844, received only three shillings in the pound. Although he believed that to have been a strictly right and proper decision on the part of Mr. Tidd Pratt, it was, at the same time, a decision he could not reconcile with either common sense or common justice. With regard to the Tralee bank, it must be remembered that the savings bank was held at the house of the actuary; and when he ran away, neither in law nor in fact was there any savings bank whatever; so that though the Act of Parliament stated that notice of awards should be fixed upon the walls of the bank, yet as there was no bank on the walls of which the notice of awards could be fixed, Mr. Tidd Pratt was obliged to do what he (Mr. J. A. Smith) thought was the best thing he could have done—he wrote notices to every one of the trustees, wherever they were, in the united kingdom. Chief Justice Blackburne decided that in law this was not sufficient notice, and he threw over the notice of awards on that ground. But he (Mr. J. A. Smith) did not think Mr. Tidd Pratt blameable for this; he did the best he could, and he had done his utmost to obtain something back for the unfortunate depositors.

Mr. REYNOLDS would maintain that the Cuffe-street case was distinct from all the others, because in that case both the local trustees and the Commissioners for the Reduction of the National Debt had violated their duty, the former in not sending every year a true and full statement of the affairs of the bank as required by the Act of Parliament, and the latter in not closing their account with the bank, when they found the Act was not complied with. If they had done so, the bank would have been obliged to close its affairs, and the depositors would have been in a much better position than they were in now. Having served on the Committee during three Sessions, perhaps the Committee would allow him to make a few observations, and they should be but very few after the able speech of the Chairman of the Committee, who had left him but very little to say. He desired to address a few words to them, because he believed he was able to give a satisfactory answer to the question put by the right hon. Baronet the Member for Ripon. The right hon. Gentleman had asked this question—upon what principle had the Committee, or the Chancellor of the Exchequer, recommended the payment of 30,000*l.* as a reimbursement to the depositors in the Cuffe-street savings bank? He had a very simple answer to give to that question, and it was this—because the facts and circumstances connected with the Cuffe-street case distinguished it from all others. What, then, were these circumstances? The House was aware that the Act of Parliament under which savings banks were established imposed certain duties upon the local trustees and the Commissioners of the National Debt. In the Cuffe-street savings bank the local trustees had violated their duty, and the Commissioners of the National Debt had violated theirs. It was required by the Act of Parliament that the local trustees should transmit to the Commissioners of the National Debt a full and true statement of their affairs. It was the duty of the Commissioners in London, in the event of the accounts not being in the prescribed form, to send them back; and the local trustees refusing to put them in proper form, the Commissioners could close their accounts, and thus force the bank to wind up its affairs. Now upon this point the Chairman had fallen into a mistake, when he said that the Committeee had decided that the depositors had neither a legal nor an equitable claim. The Committee had decided that they had not a legal claim, but the question of their having an equitable claim was left undecided. Now, he had to call their attention to those points which had been reported as unanimously adopted—namely, that between 1831 and 1848 the Commissioners had an annual account of a growing deficiency, and yet they permitted the bank to keep open. He referred to the question numbered 3171, to show that the Commissioners had the legal power to do this. The report, which was agreed to in the presence of Mr. Goulburn, Sir G. Clerk, and Mr. Herries, stated that it was known to the Commissioners, that in 1838, there was a deficiency of 25,271*l.*; that in 1845 the circumstances of the bank were known to the Commissioners, and yet no step was taken to make them wind up their affairs; and if they had been forced to do so, the bank could, in 1838, have paid 16*s.* 6*d.*, in 1845, 15*s.* in the pound. And why were they not forced to do this, by which so much mischief and so much loss might have been prevented? It was for reasons of State policy. Mr. Higham, who had given his evidence most fairly on this subject, said, that the Cuffe-street savings bank was kept open by the Commissioners, though they knew of its insolvency, on the ground of State policy; and when he (Mr. Reynolds) asked what was "the State policy" to which he referred, Mr. Higham replied, "Lest a panic should be created, which would cause a run upon all the banks, and shake public credit." Now he, in calling their attention to this fact, did not do so for the purpose of criminating any one. The Cuffe-street case was an exceptional one, and without a parallel. The bank commenced in 1818, and in 1831 became insolvent; and Mr. Tidd Pratt, on an investigation of its affairs in that year, recommended 7,000*l.* to be paid by the trustees out of the assets, and 4,000*l.* out of the future surplus. It was found impossible to comply with that order without paying every demand, whether legal or not, otherwise there would have been a run on the bank which might ruin it. The trustees transmitted to Downing-street every year the annual accounts of the bank, showing a growing deficiency—commencing with 3,500*l.*, and ending with 32,500*l.*—and ultimately, in 1848, when a public accountant re-examined the books, he struck a balance of 64,000*l.* due to the depositors. Had the Commissioners for the National Debt performed their duty according to Act of Parliament, the claim of the depositors for compensation would have been very slight indeed; and would a great nation, with an income of 60 millions a year, refuse to pay 20*s.* in the pound to the unfortunate depositors, when a case like that had been made out? He did not ask the payment in charity, but as a just claim. The hon Member for Kerry urged the postponement of the question. The postponement of it would be death to the unfortunate people. The feelings of the people were, that the entire amount ought to be paid; and he did not think he misinterpreted the feelings of the right hon. Gentleman when he believed that if his casting vote would decide it, the whole sum would be voted. He (Mr. Reynolds) would thankfully accept the 30,000*l.* as an instalment of the whole payment due; but they were bound to pay up the balance. With respect to the Killarney and Tralee banks, he thought that a strong case had been made out for the Killarney depositors, at least.

Mr. J. A. SMITH wished to explain a single sentence in the report, which gave rise to a misconception. In the third paragraph, it was stated that Mr. Tidd Pratt decided a claim of 4,274*l.* to be illegal, and yet recommended it to be paid. It was naturally asked, how was it possible he could recommend the payment of a claim that was illegal? The word illegal conveyed a wrong impression in this case, and yet there was no other that could be well used. The claim arose out of the fraudulent and illegal conduct of Mr. Dunne, the registrar, who received sums out of office-hours and in his own house. Such deposits were illegal, and the depositors had no legal claim, though they had lodged their money as others had, but in ignorance of the law, of which ignorance the registrar had fraudulently availed himself.

SIR J. GRAHAM believed that his position was that of almost every Member of the House who had not been a Member also of the Select Committee to which the question of the savings banks had been referred. Until he had received his Parliamentary papers that morning, he had not the least conception that a vote of that kind would be proposed that evening. He had not read the evidence presented in the former Session, and he had already remarked that the proceedings of the Committee in the present Session were not yet printed or in the hands of Members. They were, therefore, under great obligations to the hon. Chairman of the Committee for giving them some light into the nature of the inquiry conducted by him in the course of the present Session; also into the proceedings of the Committee, and into the differences of opinion which existed among the members of the Committee. The right hon. Gentleman the Lord Mayor of Dublin said he was prepared, with thanks, to receive the vote, as an instalment of the debt due by the public. He (Sir J. Graham) had the greatest possible respect for the right hon. Gentleman and his constituents, but the British Parliament did not require his thanks. He represented his constituents, and said his claim was a just one. The right hon. Gentleman was satisfied with the decision of the Committee, as being more just than he had expected; and he hoped the House would disappoint him in the same manner, and do strict justice. If their claim was a just one, it would be met in the spirit of justice by the British Parliament. The question then they had to determine was one of very great importance, and they were asked to determine it, if not upon insufficient evidence, at least without a full knowledge of the facts. If this claim was to stand upon the evidence, then he repeated that the impression which he had conveyed to the House when he before addressed it, was strengthened by what he had since heard. This vote was either too much or too little. If it rested upon mere compassion and sympathy, then it was too much. If, on the other hand, it were founded upon equity and special circumstances, then, according to the report of the accountant, the amount ought to be, not 30,000*l.*, but 64,000*l.* Therefore the vote which they were that night called on to sanction, could not on any ground be considered correct. He had no opportunity of considering the facts of the case until he came into the House and found the subject under discussion. It would appear that the Cuffe-street savings bank had been brought under the consideration of the Commissioners of the National Debt as early as 1831. Great irregularities were then discovered, and the power which was then possessed by the Commissioners, as it was still possessed by them, of closing the bank, was not exercised. He had endeavoured to state the case according to the information he was able to glean as the discussion proceeded; but in the absence of all evidence he was unable himself to vouch for its accuracy. Yet in this imperfect state of the facts they were now called upon to vote away the sum of 30,000*l.* As he had observed, in 1831 irregularities were discovered in this bank, and Mr. Tidd Pratt recommended a particular course, which was not followed. Again, in 1838, the misconduct of the bank was brought under the knowledge of the Commissioners, and again they neglected to exercise their authority in closing the accounts. Further irregularities were committed. The debt became greater; and in 1848, for the third time, the misconduct of the bank was brought under the notice of the Commissioners, and again their power was not exercised. The bank continued open, the deposits became greater, and in an inverse ratio the debt became greater. In 1848 its insolvency became apparent, and frauds were still committed upon the very verge of its being acknowledged, the injury done to the depositors being much aggravated by these circumstances. Now, if these facts could be proved, a special case, not of charity, but of strict equity, would be established. He was not prepared to come to this conclusion at the present moment. He thought that the case required the most cautious and minute investigation, with the view of establishing the specialty of the case. If they did not come to a conclusion upon the specialty of the case, then they should fall back upon the other ground—that it was a case for their sympathy and compassion. He had understood the hon. Chairman to say that the Committee were generally of opinion that there was no crime committed either in law or in equity. The majority of the Committee came to that opinion, and also to conclusions different from those which he would be induced to arrive at. [Mr. REYNOLDS: Not in equity; the word "equity" was not introduced into the report.] He had understood the Chairman to say that neither in law nor in equity was there any compensation claimed. But there was a claim founded upon their compassion and sympathy. If they admitted such a claim as that, he defied them to draw a distinction between the Cuffe-street case, the Tralee case, the Killarney case, the Auchterarder case, the Rochdale case, and every other case of the kind that had occurred in England. Though they were now in the last stage of the Session, the imperfections of the law in this respect might yet be remedied. On the grounds of compassion and sympathy, were they to open the public purse to meet the unlimited calls that would then be made upon them? By so doing they would be establishing a most dangerous precedent. The moment they came to a decision that the public should be responsible, they would find themselves placed in such a dangerous situation that they would be compelled to alter the law. To admit their liability, without placing any bounds to their assent, appeared to him to be the most inexpedient course that the House could adopt. He earnestly entreated the Government not in the present circumstances of the case to press the Motion, but to withdraw it for the present, with the view of bringing it forward next Session, when it could be most carefully considered.

COLONEL DUNNE thought it would be advisable to postpone the vote, if they hoped to receive further evidence on the subject. But it was admitted that no such evidence was anticipated; for all the evidence that could be shown upon the subject was lying before them for a whole twelvemonth. The report distinctly stated that fault had been committed by the authorities of the bank, to the great injury of the unfortunate depositors, whom this House and the Government were bound to protect.

LORD C. HAMILTON fully agreed in the opinions put forward by the right hon. Member for Dublin upon this subject. He believed that there had been important statements made by the accountants in respect to this matter, all of which had not as yet been placed in the hands of Members. These and all the evidence that they had on the subject, fully justified the grant that was proposed. The Commissioners for the Reduction of the National Debt, in 1844, allowed the poor unfortunate inhabitants of Dublin to put their moneys into the bank, when they well knew that it was insolvent, and that the trustees were no longer responsible. The Commissioners were then fully aware of the great deficiency that had been occasioned in the bank, and yet they did not take any measures to warn the public of the danger they incurred. The sham arbitrators appointed by Mr. Tidd Pratt were boys 15 years of age, who were told to disagree in order that Mr. Tidd Pratt might come in and settle the disputes. Mr. Tidd Pratt considered he was authorised to give advice, but not to investigate the affairs of the bank. He contended that an individual officially called in, had no right to put himself in hostility to any party. He could tell the House the present debate would not end the case, for when the additional evidence was laid before the House, he was satisfied the sense of justice which hon. Members possessed would induce them to support the vote.

MR. GROGAN thought it was unnecessary to discuss the claims of the depositors, as the whole affair had been so fully discussed before. Why postpone the vote when the case had been fully gone into, and when so much suffering would be caused by delay?

MR. HENLEY said, the House was asked to give this money without laying down any principle, or stating any definite ground on which the vote was to be granted. The report of the Committee gave no hint of the course that ought to be pursued. They admitted there was no legal claim on the country, and they simply left the matter in the hands of the Government to adopt that course which they might think to be the best. A six hours' consideration was not sufficient to enable Members to come to a decision on the subject. If the claim was founded in justice let it be paid in full, but he could not admit the plea of compassion as a sufficient ground for voting away the public money. If the vote went to a division, he should vote against it.

Mr. BROTHERTON said, the Irish Members had argued the question as if the depositors had an equitable claim on the Government. He had always considered that the depositors had only an equitable claim on the trustees—they had neither an equitable nor a legal claim on Government. It had been urged that the Commissioners of the National Debt were to blame; but hon. Members should recollect that the Commissioners had no power over the trustees. The Commissioners had over and over again urged the trustees to close the bank. The trustees would not consent, and the Commissioners had no power to compel them. If the money was given by way of compassion, then the same principle must be extended to all the defaulting banks in Ireland and England also.

Mr. MORRIS would support the vote, because he hoped the liberality of the Government would not be limited to this case.

Mr. S. CRAWFORD had a deep interest in this question on account of the constituency he represented. The question was an English question as well as an Irish question, and as you treated Ireland, so you must treat England. He admitted there was no legal claim on Government, but there was the next highest claim—the claim of equity and morality. He thought the sum ought to be paid in full.

Mr. BRIGHT said, nothing had been done by Government to disabuse the public mind of the impression that prevailed, that Government were responsible to the savings banks. The Commissioners of the National Debt had connived at the deception, and were to a certain extent answerable for what had occurred. There was a great difference between the case of some banks that were spoken of, and the Cuffe-street bank. The state of the law was such as to make these savings banks in reality little less than a trap for the people who subscribed to them. He agreed with the hon. Member for Rochdale in thinking that there was an universal belief that the Government were responsible for the sums which they deposited. Speaking of the Government and the Commissioners for the Reduction of the National Debt, he must say that they connived at the transactions of the Cuffe-street bank. A pamphlet, written by Mr. Higham, showed that in the year 1833, that bank was deficient in its accounts to the amount of 3,071*l.*; in 1834, to 7,000*l.*; in 1835, to 13,000*l.*: in 1836, to 19,000*l.*; in 1837, to 18,000*l.*; in 1845, to 18,000*l.*; in 1846, to 19,000*l.*; and in 1847, to 32,000*l.* Now the Commissioners at the National Debt Office were fully aware of this deficiency as regarded the Cuffe-street bank, and yet no report of the matter was made. The Commissioners, if they pleased, could have exploded the whole affair. Several Chancellors of the Exchequer in succession must have been cognisant of the frauds in this bank. Taking for granted that the report of the Committee was fairly founded on the evidence, he must say that all the individuals officially concerned were deeply responsible; and were he a representative of Dublin, he would call on the Chancellor of the Exchequer to make good the whole deficiency. The case of the Rochdale savings bank was one of gross neglect on the part of the trustees. No man could suppose that any one of them was cognisant of what was going on. A young man of twenty-one succeeded his father in 1822, and from that year up to the time of his death there was nothing like an audit. When he died, out of 100,000*l.* only 30,000*l.* was left. His property amounted to about 13,000*l.* or 14,000*l.* The case was one which appealed to the sympathies of the House as strongly as any case could do. He had been to the Chancellor of the Exchequer twice on behalf of the depositors. If the right hon. Gentleman would bring in a Bill to provide security against fraud in future, he would consent to the making good all the losses caused by past neglect. As regarded the Cuffe-street bank, he would willingly vote for the whole 64,000*l.*

The CHANCELLOR of the EXCHEQUER said, there was no pretence for saying that in the case of the Rochdale bank the Government was at all implicated. The question there was one of pure sympathy and humanity, and the case was not be distinguished from that of any other savings bank failure. The case of the Cuffe-street bank was a very strong one. The fact of the deficiency was laid before the Commissioners for the Reduction of the National Debt; in other words, before the Chancellor of the Exchequer of the day, and they did not think it advisable to take any step. It was that circumstance which, in his opinion, entitled the depositors to consideration, their claim being to something between equity, sympathy, and charity. [*Cheers.*] Well, it was not easy to define the claim. Were he to talk for six hours he would probably fail to make out a clear logical distinction. He did not think what was proposed in that case could be cited as a precedent hereafter.

Mr. NAPIER conceived the Commissioners were liable for the debts of the bank. It was not a matter of mistake; it was a question of duty; and, therefore, they should be held responsible as far as they could be. They were required to publish the state of the banks. If they neglected to do this, and if the public sustained injury from that neglect, according to the first principles of law they were liable. He would, therefore, vote for the 30,000*l.*, but as an instalment; as he thought 20*s.* in the pound should be paid by the country.

The Committee divided:—Ayes 118; Noes 39: Majority 79.

Vote agreed to; as was also

(4.) 500,000*l.*, to discharge the like amount of Supplies.

House resumed.

Resolutions to be reported To-morrow.

INSPECTION OF COAL MINES BILL.

Order for Second Reading read.

Mr. DISRAELI said, he had already protested against this interposition between labour and capital. He had had communications from several coalowners, who had represented that this interference with their property would be seriously injurious, and suggested that the measure be postponed till next Session. It was a piece of hasty and ill-considered legislation.

Mr. HUTT supported the Bill. So far as his information went, the coalowners of the north of England were unanimously in favour of it. He should like to know who the coalowners were who had represented to the hon. Member for Buckinghamshire that this Bill would be injurious to their establishments? All he could say was that the coalowners in two of the most important counties in England took a very different view of it.

Mr. WYLD reminded the House that upwards of 2,000 persons every year lost their lives in consequence of the ill ventilation of the mines, and that more than two-thirds of the coalowners of England had expressed their opinions in favour of the present Bill.

Mr. WAWN said, the Bill was decidedly objectionable in its present shape.

Mr. LOCKE feared it would be impossible to legislate satisfactorily upon a question on which so much diversity of opinion existed with regard to the preservation of life in mines. He had no objection to the passing of the present measure, as it was as little objectionable as anything that could be devised, although he did not think that the mortality would be lessened by it.

Mr. FORSTER believed that in nine cases out of ten the fatal accidents which occurred were attributable to the men themselves, and not to the coalowners.

Bill read 2°.

MUNICIPAL CORPORATIONS (IRELAND) (No. 2) BILL.

Order for Third Reading read.

Mr. REYNOLDS said, he had remonstrated against the Government proceeding with the present measure. It had been introduced without any notice to the citizens of Dublin, or any person officially connected with that city. He had felt it his duty to protest against it, but knew perfectly well that he had no chance of defeating it; and he could only congratulate the Government on the new ally whom they had acquired in his hon. Colleague, who would, nevertheless, he apprehended, be called to account by his constituents on his return to Ireland. He believed a more wanton or unreasonable attack had never been made on the franchise of the people.

Bill read 3°, and passed.

The House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Saturday, August 3, 1850.

Minutes.] Public Bill.—1^a County Court Extension Act Amendment.

Their Lordships met, and having gone through the business on the Paper,

House adjourned to Monday next.

HOUSE OF COMMONS,

Saturday, August 3, 1850.

Minutes.] Public Bills. — 1^a Consolidated Fund.

3^a Grand Jury Cess (Ireland); Fees (Court of Common Pleas) (No. 2).

SUPPLY—THE MONUMENTA HISTORICA BRITANNICA.

The Resolutions of the Committee of Supply were brought up.

Mr. HUTT took the opportunity of calling attention to the want of liberality in the publication and distribution of the historical work called *Monumenta Historica Britannica*, urging that as the country had paid 10,000*l.* towards such publication, the price of 2*l.* 2*s.* per volume now charged was far too high. The charge originally had been 5*l.* 5*s.* a volume, but that high price had acted almost as a prohibition to the circulation of the book, only six copies having been sold of it; and at the reduced price, out of an edition of 600, only forty-six copies had been disposed of. He thought, under the circumstances, the book should be sold for the cost of the paper and printing.

Mr. CORNEWALL LEWIS hoped that the 2*l.* 2*s.* would be found sufficiently low to place the work in the hands of the public at large; if not, the subject should be taken into consideration.

Mr. HUME thought the price should be so reduced as to bring the work within the reach of the bulk of the people. He suggested that a copy of the work should be sent to every public library.

Resolutions agreed to.

WAYS AND MEANS—CROWN PROPERTY.

Resolutions brought up.

Mr. HUME said, that in lieu of the 385,000*l.* granted to Her Majesty to cover necessary expenses, the Crown property was handed over to Parliament to be managed to the best advantage, and the ill management of that property for the last fifty years was notorious. He thought there ought to be an annual balance-sheet presented to Parliament, setting forth the whole of the items connected with that property. He wished to give notice that next Session he would not agree to any vote of money after twelve o'clock at night. No matter what the pressure might be, he would oppose any and every grant proposed after that hour. If the Government wanted money, they must submit the votes in time. He admitted that out of deference to political friends he had hitherto neglected his duty in this respect, but he would change his tactics next Session; he would be constantly at his post, not on Committees, but in the House, and he would take especial good care to exercise an efficient check on the expenditure of the public money. He complained that twelve enormously heavy votes had been passed after twelve o'clock last night, and he also complained of the haste with which the public money was voted this Session, as in former Sessions, for the defences of the country at Dover, and in the Channel Islands.

Mr. BROTHERTON also promised to turn over a fresh leaf next Session. He would propose at the commencement of it that at twelve o'clock every night Mr. Speaker leave the chair, and thus he would effectually aid the views of the hon. Member for Montrose. The late hours this Session had injured the health of many old Members, and therefore it was high time to improve the present system.

Mr. COBDEN expressed a hope that the works of defence already begun would be reviewed, with a view to diminished expenditure. He believed that many of the works begun in a time of panic, when there was a species of engineering madness in the country, might with great propriety be discontinued. Why should the immense sum of 513,000*l.* be expended on the completion of harbours of refuge at the little island of Alderney? or why waste large sums of the public money in guarding against imaginary dangers?

Mr. HENLEY suggested that there should be a proper provision made for the inspection of works of this description from time to time.

Resolutions agreed to.

Bill ordered to be brought in by Mr. Bernal, the Chancellor of the Exchequer, and Mr. Cornewall Lewis.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Monday, August 5, 1850.

Minutes.] Public Bills.—1ª Fees (Court of Common Pleas) (No. 2); Municipal Corporations (Ireland) (No. 2); Registrar of Judgments Office (Ireland); Grand Jury Cess (Ireland).

2ª Commons Inclosure (No. 2); Excise Sugar and Licences; Securities (Ireland) Act Amendment.

Reported.—Borough Bridges; Public Libraries and Museums; Engines for taking Fish (Ireland); Administration of Justice in Court of Chancery Acts Continuance.

3ª Navy Pay.

Royal Assent.—Population; Factories; Metropolitan Interments; Municipal Corporations (Ireland); Highway Rates; Australian Colonies Government; Vestries and Vestry Clerks; The Trustee Act, 1850; Bills of Exchange.

CHARITABLE TRUSTS BILL.

In answer to Lord REDESDALE,

LORD BROUGHAM said, he was very much disinclined to withdraw the Charitable Trusts Bill, which stood for the second reading this evening; but he felt that the Session was too advanced, and the details were likely to cause so much discussion, that he feared he had no alternative. In postponing the measure, therefore, he begged to say he yielded to the pressure of circumstances which he could not resist. The subject was one of immense importance; and he contended that, instead of being introduced into the other House at a late period of the Session, the Bill ought to have been laid before their Lordships in the first instance, and at the earliest possible period, so as to have ensured that degree of attention from Parliament which the subject demanded. He hoped that next Session due and ample time would be afforded for the consideration of the subject, so that next year numerous small charities, which were now indifferently regulated, might be placed under a better system, which would ensure the fulfilment of their purposes.

LORD STANLEY concurred in the regret expressed by his noble and learned Friend that the measure had not been brought forward at an early period in the Session. He did not himself approve of all the provisions in the Bill; but there was a pressing necessity for improvement in the management of small charities. The same thing happened to the measure last year, and it would happen again, unless some alteration was made, either to carry the business suspended in one Session to the next, or to provide for the introduction of measures at an earlier period.

LORD LANGDALE made some observations, but his Lordship was quite inaudible.

After a short conversation, in which Lords WHARNCLIFFE and BROUGHAM joined,

Order of the Day for the second reading read and discharged.

STEAM COMMUNICATION WITH AUSTRALIA.

EARL TALBOT presented two petitions —one from certain firms in Glasgow, and another from the inhabitants of Plymouth and Devonport—praying for a more frequent and certain communication between the Australian colonies and England. The subject of connecting the Australian colonies more closely with England by means of steam communication, had occupied public attention in both countries for several years. In the year 1844, the Legislative Council of New South Wales voted an Address to the Queen, having this object in view; and in 1846, a Select Committee was appointed to devise the best means of carrying it out. That Committee recommended a continuation of the line from Singapore, and that a sum of 500*l*. per month should be placed on the Estimates for 1847 in support of the undertaking. That sum was accordingly voted by the Council, and had remained ever since applicable to the service in question. The same Committee estimated the amount of revenue likely to accrue from accelerated postal communication at 20,000*l*.; but as the population of the Australian colonies had much increased since 1846, it was fair to presume that the sum would now be larger. The same subject was entertained by the legislatures of Ven Diemen's Land and South Australia, and each colony had voted sums in addition to the postage. For the last two years public meetings and petitions to Parliament had shown the public anxiety, and a Committee was now in existence whose object was to bring this measure to a successful issue. Tenders had been presented to the Government from various companies. The India and Australian Company with the route by Singapore occupied the field for many months, but in the end proved an abortion, although they got a charter. Proposals were also sent in for the Cape and Panama lines. It was now understood that the amount of postage, and the sums voted by the colonies, would cover the expense of conveyance from Singapore. The noble Earl then read a document, containing a statement of the moneys arising out of the Australian postal revenue, and out of the sums voted by the different colonial legislatures applicable towards the establishment of steam communication between the Australian colonies and England :—

"New South Wales.—Postal revenue, arising from the transmission of letters between this colony and England, estimated annually at 20,000*l*.; voted annually by the Legislature of this colony, 6,000*l*. Vad Diemen's Land.—Postal revenue, arising as above, 5,000*l*.; voted annually by the Legislature of this colony, 1,800*l*. South Australia.—Postal revenue, 5,000*l*. The local Legislature of this colony have expressed their willingness to contribute their quota towards steam communication, and would no doubt give as much as Van Diemen's Land—say, 1,800*l*.

Western Australia.—Postal revenue, 500*l.* Total, 40,100*l.*"

The noble Earl then proceeded to state that three routes for this communication had been proposed—one by Singapore, in connexion with the Peninsular and Oriental Company; another by the Cape of Good Hope; and another by the Isthmus of Panama. He considered the route by Singapore the easiest. He understood, however, that there was some difficulty on the part of the East India Company; but he thought it was the duty of the Government at once to take some one of the routes now proposed; and if the difficulties by the Indian line were insuperable, they should take the route either by the Cape of Good Hope or by Panama. It would be of great benefit to our South African colonies to open a route by the Cape of Good Hope and Mauritius, and would tend to promote emigration to those quarters. The route by Panama, on the other hand, would secure us against any impediment to the transmission of our mails in consequence of an European war. On the whole he thought, perhaps, that the route of Panama was the best, as we had a line of steamers ready to take up the transit on the Pacific, by Lima, to Australia. He wished to impress upon the minds of their Lordships the vast importance of this subject, and the absolute necessity that existed for establishing some rapid steam communication with our Australian colonies. The country was bound to establish a communication by steam with Australia without delay. There could not be a better application of the public money; and he hoped that it would be made forthwith, as, before long, the revenue derived from this source would more than remunerate the expense. He considered that it was the especial duty of Her Majesty's Government to foster this project; and if financial difficulties stood in the way, a loan might be effected with security upon the colonial revenues. The increasing importance of our interests in the South Seas required that we should have an efficient steam fleet always at hand, as a protection against foreign aggression; the French and Americans had already six or seven hundred whalers in those seas, with men-of-war always on the spot, whereas it was well known that when the insurrection broke out at New Zealand, only one of Her Majesty's vessels, the *North Star*, was on the station; while Her Majesty's Government were attempting to settle their differences with the East India Company, the colonies were suffering from imperfect intercourse with the mother country. Those differences, whatever they might be, were no excuse for delaying the communication to an indefinite period: all the Australian colonies wanted was, steam from England by some route. He did not see why the difficulty which had sprung up as to the portion of the line from Suez to Bombay, should prevent the Government at once from taking up the mails from Singapore to Sydney, the expense of which he had shown would be covered by the colonial postal revenue, and the votes of the respective legislatures; but if this could not be done, why should not we close with the offers made for the performance of the Panama or Cape of Good Hope lines? He confessed himself an advocate for the former, but he considered the object prayed for in the petitions he had the honour to present that evening so important, that he would not embarrass the speedy settlement of the question by his own predilections in favour of any particular route. He trusted, therefore, that the noble Earl opposite (Earl Grey), and Her Majesty's Ministers, would yield at once to the appeals so earnestly made to them by the people of Australia and the public of this country. The noble Lord had recently given to some of those colonies representative institutions; and the next benefit he ought to confer was, steam communication, of which, of all our colonial dependencies, they were the only ones deprived. He could not sit down on that occasion without bearing his testimony to the active efforts of Mr. De Salis and Mr. Charles Logan in this cause. He had personal knowledge of the labour and unremitting zeal they had exerted in its promotion; and he could not think of introducing the subject to their Lordships' notice without adverting to the services of those gentlemen, which, in his opinion, justly entitled them to the thanks of the Australian colonies.

EARL GREY observed, that Ministers were fully sensible of the advantage to be derived from a rapid communication with the Australian colonies. He considered the route by Singapore to be the most desirable, and the offer made by the Oriental Company to be not only fair but even beneficial to the country. He complained, however, of the obstacles which the East India Company had thrown in its way, out of regard, as it would seem, to the officers of their own marine. He thought, however, he might say that ere long a steam communication with the west coast of Africa and the Cape of Good Hope would be established, and by that means with Australia, and also by a line from Singapore. He even entertained a sanguine hope that eventually both lines would be carried out; but at present there were difficulties which prevented the continuation of the line by Singapore. He thought it extremely desirable that the matter should be amicably settled with the East India Company. He trusted, however, that the difficulties in the way were not so insuperable as to require the Government to adopt an extreme course.

After a few words from Lord WHARNCLIFFE,

LORD MONTEAGLE said, that if ever there was a step taken by a great company, exercising almost imperial functions, likely to set them wrong with the people of this country, it was the opposition presented by the East India Company to the endeavours of those who were desirous of carrying out steam communication with Australia, by the nearest and most effective route, as far as all purposes of postal convenience were concerned.

The EARL of ELLENBOROUGH could not admit the reason alleged by the noble Earl (Earl Grey) for the delay in establishing steam communication with Australia—namely, the opposition of the East India Directors, as a valid one. He had filled the office of President of the Board of Control, and knew that it was in the power of the Government to adopt such a measure if they considered it advantageous to the public, independently of the concurrence of the East India Directors. With regard to the Bombay marine, or Indian navy, he had twenty years since recommended its abolition as being inefficient and extravagantly expensive. He deprecated its continuance or employment in the postal service; and had the Government with which he was then connected remained in power a month or two longer, that marine establishment would have long since ceased to exist.

Petitions read and ordered to lie on the table.

On the Motion of Lord MONTEAGLE, an Address for Copies of all the Correspondence between the Treasury and any other Department of Her Majesty's Government with the East India Company on the subject of Steam Navigation with the Australian Colonies, agreed to.

COUNTY COURT EXTENSION BILL.

The Commons' Amendments to the Amendments made by the Lords, together with the Commons' reasons for disagreeing to some of the said Amendments, considered.

LORD BROUGHAM moved that the Lords agree with the Commons' Amendments to this Bill, with the exception of the reinsertion of Clause 17, which, by giving the power to appropriate the town-halls for the purposes of these courts, interfered with the rights of property.

The LORD CHANCELLOR concurred that the clause in question was a departure from the ordinary practice of Parliament, inasmuch as it interfered with the rights of property without providing compensation.

LORD BEAUMONT had been, in the first instance, at a loss to conceive how the clause could have been originally passed by the House of Commons; but he was still more astonished to find that they had replaced it. He did not wish to risk the passing of the Bill; and perhaps the clause did not go so far as some noble Lords imagined, for it only provided that the county courts should have the use of the town halls when not wanted for other purposes. He thought it better to pass the Bill as it was, and remove the injustice complained of in a future Session, rather than risk the loss of the measure altogether.

The EARL of ELLENBOROUGH considered it to be the duty of their Lordships to protect the rights of property, without reference to what course might be taken in another place in consequence.

EARL GREY reminded their Lordships that these county courts were for the benefit of the corporations to whom the town-halls belonged. The town-halls were public property, and there was no interference whatever with private property.

LORD REDESDALE repeated the objections to the Commons' Amendments; and after a short conversation,

LORD BROUGHAM was disposed, after the explanation which had been given, to move that their Lordships agree to all the Commons' Amendments. If necessary, they might remedy the injustice of the 17th clause in another Session.

Their Lordships divided on Question to agree to the Commons' Amendment:—Contents 13; Not-Contents 11: Majority 2.

List of the Not-Contents.

The Lord Chancellor
MARQUESS.
Salisbury
EARLS.
Hardwicke
Talbot
Roden
Mountcashell
Nelson
Powis
Glengall
Ellenborough
LORD.
Redesdale

Amendment agreed to, as were the other of the Commons' Amendments.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 5, 1850.

Minutes.] New Member Sworn.—For Mayo, George Gore Ouseley Higgins, Esq.

Public Bills.—1^{a} General Board of Health (No. 3); Turnpike Acts Continuance, &c. (No. 2).

2^{a} Consolidated Fund; Canterbury Settlement Lands; Turnpike Acts Continuance, &c. (No. 2).

Reported.—Sheep and Cattle Contagious Disorders Prevention Continuance.

3^{a} Westminster Temporary Bridge; Duke of Cambridge's, &c., Annuity.

OATHS OF JEWISH MEMBERS—BARON DE ROTHSCHILD.

Mr. J. A. SMITH said, that before the hon. and learned Attorney General rose to make his Motion, he wished to put a question to Mr. Speaker, which he considered of some importance with reference to the proceedings of that day. The House would recollect that the hon. Member for London came to the table of the House the other day, and took the oaths in the form which was most binding on his conscience, and that, having done so, he signed, in accordance with the Act of Parliament, the declaration in writing, and left it upon the table of the House. Now, he wished to know why that important fact was omitted in the Votes, when all the other proceedings were so minutely described?

Mr. SPEAKER: The answer which I have to give to the hon. Member's question is, that I considered the proceeding to which he has referred as informal and irregular, and that on that account it could not be recorded in the Votes. The House will remember that, according to its usual practice, Members, in the first place, take the oaths of allegiance, supremacy, and abjuration, and then subscribe in a book prepared by the clerk the oath of abjuration and the declaration of qualification; and that, without having signed the oath of abjuration and the declaration of qualification, no Member can take his seat in this House. There are cases where, by law, a Member is allowed to make an affirmation, or to take the oath in another way than that which is usually prescribed; but still the paper which is subscribed by the Member is always prepared by the clerk, or sanctioned by the Speaker. In this case, I believe (for I did not see the transaction), after the hon. Member for London had taken the oaths he signed a paper which was not prepared by the clerk, and of the contents of which the clerk was wholly ignorant. That paper was not formally tendered to the House, but merely laid upon the table. I was not aware of its contents, nor was the clerk aware of them till after some minutes had elapsed. We then became aware that the paper contained the oath as taken by the hon. Member, omitting the words "on the true faith of a Christian;" but, as I considered that the transaction had taken place without the sanction of the House, that the taking of the oath was incomplete, and that the whole proceeding was perfectly irregular, and contrary to the practice of this House, I felt it to be my duty not to allow it to be entered on the Votes.

Mr. HUME asked whether, if the paper had been prepared by the clerk, and signed, as in the case of Mr. Pease, the hon. Member for London would have been allowed to take his seat?

Mr. SPEAKER: I must remind the hon. Member, that in the case to which he has alluded, the House decided that Mr. Pease should be allowed to make an affirmation to the effect of the oath; whereas, in the present case, the House came to no decision whatever, except that Baron de Rothschild should be allowed to take the oaths in the mode most binding upon his conscience.

The ATTORNEY GENERAL moved, that the clerk then read from the Votes an account of what occurred at the table of the House last Tuesday.

Entry in Votes of 30th July, read, as follows:—

> "The Baron Lionel Nathan de Rothschild having come to the Table, Mr. Speaker acquainted him that the House had yesterday made the following Order:—
>
> '*Ordered*—That Baron Lionel Nathan de Rothschild, one of the Members for the City of London, having presented himself at the table of the House, and having previously to taking the Oaths requested to be sworn on the Old Testament (being the form which he has declared at the Table to be most binding on his conscience), the Clerk be di-

rected to swear him on the Old Testament accordingly.'

"Whereupon the Clerk handed to him the Old Testament, and tendered him the Oaths; and he accordingly took the Oaths of Allegiance and Supremacy, repeating the same after the Clerk; the Clerk then proceeded to administer the Oath of Abjuration, which the Baron de Rothschild repeated after the Clerk as far as the words, 'upon the true faith of a Christian,' but, upon the Clerk reading those words, the Baron de Rothschild said, 'I omit those words as not binding on my conscience;' he then concluded with the words, 'So help me God,' (the Clerk not having read those words to him), and kissed the said Testament:—Whereupon he was directed to withdraw."

The ATTORNEY GENERAL: Sir, in rising to propose to the House to adopt the two Resolutions of which I have given notice, and which appear in the Votes of the day, I have to observe that these are separate and distinct resolutions. And although I propose, in the observations I shall have to make, to comment on both of the resolutions, and to explain to the House my motives for proposing them, yet the House must bear in mind that they are distinct—that they will be put separately by you, Sir, from the chair—that it is perfectly competent to any hon. Member to reject the first resolution, and to accede to the second—and that it is, in fact, by no means necessary for the adoption of the one, that the other also should be adopted. Now, in the first place, it appears to me to be essential that the House should come to some decision upon this subject. After the statement just read of what took place at the table of the House when Baron de Rothschild came forward to take his seat, the House cannot, I think, with propriety, avoid coming to a determination upon this question; and I believe that, in point of fact, it would be nothing more than to treat what has taken place as a sort of mockery if the House should not come to a decision with regard to the claim of Baron de Rothschild to take his seat after he has gone through the form of taking the oaths in the peculiar manner which appears by the record of it preserved in our journals. He calls on us to decide that he is, in consequence thereof, entitled to take his seat: we cannot, consistently with what is due to the dignity of this House, elude this question, or avoid expressing a direct decision on the point which the Baron de Rothschild calls on us to determine. Besides this, unless we do so, how can the officers of the House act, or what direction can be given to them in the case of Baron de Rothschild presenting himself to take his seat? It is essential, therefore, that it should be known what course we should adopt; and I also think it essential that our decision on the subject should be come to at once. I have already stated the decision to which the House ought, in my opinion, to come upon the point, in the course of the observations which I addressed to the House on Tuesday last—the day on which Baron de Rothschild presented himself for the purpose of taking his seat. I do not now propose to go again into the reasons which led me to the conclusions I then stated to the House; neither do I think it necessary for me again to state what is my view of the law. There are three things to be considered in an oath: first, the effect or substance of the oath; secondly, the form of words in which that substance is expressed; and, thirdly, the manner in which the oath is to be taken. The House has determined—and, as I ventured to submit, wisely and properly determined—that any Member returned to this House may take the oaths in the manner most binding on his own conscience. All the hon. Members on both sides of the House will concur in the opinion that the substance and effect of an oath cannot be varied; and no question is or can be raised on either side, but that the substance of an oath must really be taken. The question we have to decide is, whether the form of words in which an oath is expressed can be varied, or whether any portion of it can be omitted in consequence of any scruples of conscience entertained by any Member who may come to take his seat? I have already ventured to express my opinion of the great danger of attempting to separate the form of words in which an oath is expressed, from the substance of an oath. Once arrive at that point, and allow the person taking the oath to determine what is form and what is substance, and you will, in fact, be admitting that any oath can be varied almost to any extent at the will of the person taking it. Who is to determine whether the words are form or substance? Is it the Member, or is it the House? The majority or to-day may decide it one way, and the majority of two years hence another way, and oaths will be varied according to the feeling of the moment, or, perhaps, and which is much worse, according to the political influence of the moment. These evils are so serious that I consider this principle ought to be so rigidly adhered to, that a Member ought not to be permitted to use a form of expression strictly synonymous with that which the Act of Parliament requires. I think, therefore, without going through the arguments I have already expressed, that it cannot be denied that Baron Lionel de Rothschild has no ttaken the oath of abjuration in the form which has been appointed by law. It remains to be considered what is the course we should pursue now that it is admitted that the statute of the 1st George I., chap. 13, does relate to, and bear upon, this subject. By the 16th section of that statute, which I have endeavoured to follow as closely as possible in the resolutions which I now submit to the House, it is enacted that after a certain date therein mentioned—

> "No person that is now or that hereafter shall be a Member of the House of Commons shall vote or sit during any debate in the said House of Commons, after the Speaker is chosen, until such Member shall from time to time have taken respectively the abjuration oath aforesaid, instead of the oath of abjuration, which by law ought now to be taken."

I have endeavoured to follow in these resolutions the words of that section as closely as possible; and it appears to me that if I am right in saying that Baron de Rothschild has not already taken the oath of abjuration, it follows as a necessary consequence from that 16th section that he cannot be entitled to vote or to sit in the House during any debate until he shall have taken the oath in the form appointed by law. I entirely concur in the expression of the hon. Baronet the Member for the University of Oxford, that although Baron de Rothschild has taken an oath of abjuration, he has not taken the oath of abjuration appointed by law to be taken at the table of this House; and it appears to me to be a necessary and inevitable consequence that he cannot sit in this House, or vote in this House, until he shall have taken that oath. It then remains to be considered whether any further or ulterior proceedings should be adopted in consequence of his not having taken the oath. Now I am of opinion that no further or ulterior proceedings should be adopted with regard to him in consequence of his not having taken the oath in question. On looking into the subject more carefully and considerately than I had done on a former occasion, although I still retain the opinion I then expressed with regard to the repeal of the statute, yet I have come to the conclusion that the seat is by no means vacant in consequence of his not having taken the oath. I am convinced that he might take the oath this day or to morrow if his conscience should permit him; but that he cannot sit or vote until he shall have done so. I am also perfectly convinced that the seat is by no means vacant in consequence of his not having yet taken the oath, and that there is no power legally in this House to declare the seat to be vacant, or to order a new writ to be issued in consequence of that state of things. A question has arisen with respect to whether the statute of the 13th and 14th of William III. is in force upon this subject. It is not at present my intention to discuss the question whether that statute is still in force or not; that is to say, whether the peculiar penalties which are to be found provided in the 11th section of that statute are or are not now in force. My disposition undoubtedly is to consider that the penalties thereby imposed are cumulative rather than substitutional, and that the penalties laid down in that statute are still in force. On referring to that statute, I find that the penalty which disables a Member from sitting in this House arises from the fact of his voting in the House without his having taken the oath, for that is the express provision upon the subject. The penalty, therefore, of disability to sit and vote in this House, arises solely from a Member's having presumed to vote, although he had not taken the oath. The House will observe that Baron de Rothschild has not refused to take the oath; he has taken an oath which he asserts, and which his friends assert for him, is the oath required. I think it is not so, but still he has not refused to take the oath, and still less has he presumed to vote in this House without having taken it. It was well observed by my hon. and learned Friend the Member for the city of Oxford, that there is no Act of Parliament which makes the seat of a Member vacant by reason of his not taking the oath of abjuration, although there is such an Act with respect to the oaths of allegiance and supremacy. It appears to me, therefore, that the state of the case as it at present stands is in fact this—that by the law as it now exists, and in the circumstances in which we are now placed, we have come to this singular state of things, which is a necessary consequence of the existing state of the law, that a gentleman professing the Jewish religion, having been elected a Member to serve in Parliament, cannot sit or vote in this

House until he shall have taken the oath of abjuration in a form in which no conscientious Jew can take that oath, and yet that, nevertheless, the seat is not vacant, and that there is no statute whatever authorising or permitting the House to order the issuing of a new writ, as it might do if a vacancy in the seat had occurred. Besides the statutes relating to this question, I have also endeavoured to refer to the law and usage of Parliament, so far as they may be discovered from the journals of the House, for the purpose of ascertaining whether there was any law or usage applicable to a case of this description; and I do not find from the journals that any case at all analogous to this, or at all resembling it, has ever occurred. There are, undoubtedly, in the journals abundant instances of the House calling on Members to take the oaths, and of Members refusing, and of the House thereupon ordering new writs to be issued; but there is no instance that I can find, with the single exception of the case of Mr. O'Connell, of any Member agreeing to take two oaths and refusing to take the third; and there is, I believe, no instance whatever of a Member refusing to take the oath of abjuration. There is nothing, therefore, as it appears to me, in the law or usage of Parliament which would justify or warrant the issuing of a new writ upon the present occasion. The House, no doubt, possesses the power of expelling any one of its Members, and it might create a vacancy by expulsion, as it might expel me as well as the hon. Member for the city of London; but it would be a mere insult to the House to suggest the possibility of its pursuing such a course in this instance. And therefore I do say with respect to this part of the case that it appears to me that neither by statute nor by the law and usage of Parliament is the seat vacant, nor is there any constitutional or legitimate power in this House to declare it vacant, or to make it vacant, or to order the issuing of a new writ. Now, if this be a correct description of the state of the law in this case, it must be admitted to be of the most monstrous description. Here you have a Member returned by the free choice of his constituents to serve them in Parliament as the person whom they consider the best qualified for that office; and yet by what I must call an idle form of oath, which is admitted now to be of no binding effect whatever, because it is in fact an abjuration of allegiance to a family which no longer exists—by an oath which it would not, I believe, be possible for any person to break, even though he were to endeavour to do so, and with respect to which it would not be possible for him to violate his conscience by committing perjury—by an oath of that description, or by a form of words which it was certainly never intended should exclude from Parliament gentlemen professing the Jewish religion, Baron de Rothschild is prevented from sitting in this House, and his constituents are prevented from having the benefit of his services in Parliament. I consider it to be a very great advantage gained by the discussion of this question upon the present occasion, that it has, as it appears to me, brought into strong relief both before the House and the public the present preposterous state of the law upon this subject; for I think I can call it nothing less than that, which, although it really imposes no obligation, and therefore is not binding upon us practically, yet we have no power to alter it; and at the same time it prevents a gentleman from performing his duties to his constituents, and prevents them from enjoying the benefit of his services. It is, therefore, as it appears to me, incumbent upon us to pledge this House that it will, at the very earliest possible opportunity, pass a measure for the purpose of altering that state of the law which is so preposterous in itself, and the results and effects of which are so unjustifiable and absurd. If it were possible that such a measure could be passed in the present Session, I should be most desirous of seeing that object accomplished. But it is manifest that it would not be possible—that any effort in that direction would be attempting what is by no means feasible; and I have therefore thought it desirable, in the strongest possible manner, to frame a resolution which I consider, and intend to be, a pledge on the part of the House that it will, at the earliest opportunity in the next Session of Parliament, pass a law to remedy this monstrous state of things. In coming to this conclusion, I may observe that the law is not only monstrous in this respect, but that, as has been pointed out on a former occasion, it is as monstrous in its effects out of the House as in it; for it enables any two justices of the peace to question any gentleman professing the Jewish persuasion, and if he do not take the oath of abjuration in a form which his conscience does not permit, it empowers them to inflict on him all the penalties of a

"Popish recusant convict." So preposterous is this state of the law, that when fully brought before the House and the public, it cannot, I believe, be permitted to continue. I have also stated that it is, in my opinion, essential for the House, having a due regard to its own dignity and position, to come to an immediate decision upon the subject. But, besides this, it is my opinion, that, as regards the benefit of Baron de Rothschild himself and of those gentlemen who agree with him in his religious opinions, as well as of those friends who support those gentlemen in their desire to be allowed to sit in this House, the conclusion to which I ask the House to come is not only consistent with law, but is also that course which, in the singular position in which we are placed is most beneficial to the cause which they themselves seek to advance. I shall shortly state why I think that is the case. In the first place, if this House came to an opposite decision, and if Baron de Rothschild were permitted to take his seat and to vote in this House, the strongest possible argument would be given to the other branch of the Legislature for objecting to any Bill which you might pass for the purpose of removing this evil. They would say, "What shadow of reason is there for passing an Act of Parliament to enable persons professing the Jewish religion to take their seats in the House of Commons, when that House has already so expounded the law as to declare that they may, under its existing provisions, take their seats and vote in that House?" I believe it would be extremely difficult to answer an argument of that description: it would, in fact, be an unanswerable argument in the mouths of those Gentlemen who wish to oppose a Bill introduced for the purpose of effecting a satisfactory settlement of this question. I venture to say that a more disastrous event could not befall those persons who wish well to the cause of the professors of the Jewish religion; for the result would be, that Baron de Rothschild would not, I will undertake to say, venture practically to vote or sit in this House. I say, unhesitatingly, that my belief is, that there is not a lawyer in this House, or out of it, who earns as much as 500*l.* a year by his profession, who would tell him that he could safely take his seat in this House without incurring the penalties which are provided by the 17th section of the 1st statute of George I. chapter 13, which is admitted to be the existing law upon the subject. I believe Baron de Rothschild would never venture to take his seat in this House. Observe what the consequence would be if he did. One result would be, that he, being a gentleman largely engaged in commerce, could not possibly bring an action to recover any debt due to his firm without immediately enabling the defendant to raise the question, that he was not entitled to sue in a court of law; which is professedly one of the disabilities under a statute now in force. One of the evils that would result from the course to which I refer would be, that the defendant in such an action might bring the question before the House of Lords in its judicial capacity; and the House of Lords, in its judicial capacity, would then have to decide whether this House came to a fit and proper conclusion of law in deciding that Baron de Rothschild could sit in this House. I am satisfied, therefore, that nothing could be more injurious to Baron de Rothschild himself, and to the gentlemen who profess the religion which he professes, than a vote or decision of the House that he might now take his seat in Parliament—a decission on which he would not himself venture to act, and which would, at the same time, place strong and overpowering arguments in the mouths of the opponents of any measure for effecting a final settlement of the question; who would then be justified in saying that it was not necessary to pass a Bill for the purpose of redressing the preposterous state of the law, inasmuch as the House of Commons had, by a solemn decision, declared it not to exist. The hon. Member for Montrose has suggested a resolution which, in substance, does not very materially differ from that which I have the honour of submitting to the House, with this exception, that I propose, in point of fact, an immediate decision of the House upon the subject, while the hon. Member proposes nothing more than that we should say that "certain doubts having arisen as to the legal effect of his (Baron de Rothschild's) so taking the oath, it is expedient at the commencement of the next Session of Parliament," that the House should do something similar to that which I propose. Now, this course would, I believe, be only one step less injurious to the hon. Member for the city of London, and to the gentlemen who belong to the same religious persuasion with him, than would be a vote absolutely deciding that he may at present take his seat in the House; because, if this dubious course were adopted, that again would justify the opponents of a Bill to settle the question in saying that they ought not to be called upon to support such a Bill until this House should have determined whether or not Baron de Rothschild was entitled to take his seat under the existing state of the law. Would they not have a right to ask—"Is it not advisable that you should first determine whether the law is such as to enable persons professing the Jewish religion to sit in this House, on their taking the oath of abjuration in the form adopted by Baron de Rothschild, before you call on us to pass a law which in the event of one mode, at all events, of deciding that point would be unnecessary?" It appears to me that the course proposed by the hon. Member for Montrose would furnish a strong argument which might be urged by Members of this House, and of the other House, for the purpose of rejecting such a measure; whereas, on the contrary, if you consider that the law is such as I call on you to declare it to be, a more absurd and preposterous state of things cannot exist; and it then becomes incumbent on the Legislature to reform that state of the law. I have heard it suggested, although I do not suppose that it enters into the views of any of the hon. Gentlemen who support the hon. Member for Montrose, that there might be this advantage in leaving the matter in suspense—that you might hold it as it were something *in terrorem* over the other House; and that it would be in effect to tell them that if they did not pass such a measure as you might propose for relieving persons professing the Jewish religion from their disabilities, then you would allow Baron de Rothschild to sit. Now, I submit that such a course would be a very improper mode of proceeding, one which this House could never venture to adopt consistently with its own honour and dignity, and one which could have no effect whatever with the House of Lords. It would, in truth, be nothing more than saying this — "Whatever may be the right and legal decision upon this subject, we wish it to be understood that we will not decide it according to what we consider the strict interpretation of the law, but make our decision of that which is a legal question, and which we have to dispose of judicially, depend upon the circumstance of whether or not you will pass a Bill to make that decision necessary." I think that such a course would be one which could not by any possibility be beneficial in inducing the House of Lords to agree to a measure of the description which is suggested, and that it would be inconsistent with that proper course of proceeding which it is incumbent on this House to pursue, having a due regard for its dignity, and the necessity of its coming to a judicial decision upon this subject in a judicial manner. I am satisfied, also, that with respect to the existing state of the law, it is not possible that it should be allowed to continue; and I feel persuaded that the state of the law as it now stands is the strongest possible argument you could use for the purpose of inducing the other House to agree to a measure for its amendment. It has also been suggested that if Baron de Rothschild were allowed to sit, a Bill of Indemnity might be passed in his favour. But a Bill of Indemnity would only be carrying the question in another form; it would be an attempt to do by a side-wind what, I submit, you ought to do fairly and openly. For my part I believe it is not desirable that you should proceed in this matter by any species of subterfuge, but that you should act openly and manfully. This is, as I conceive, the state of the case; and these are shortly the reasons which have induced me to suggest to the House the propriety of coming to this conclusion, and agreeing to the two resolutions which I call on you to pass. I cannot but say that it appears to me to be such a course of proceeding as is not only consistent with the true interpretation of the law, and with what is due to the honour and dignity of this House; and, beyond all this, it is such as I have the satisfaction of firmly believing is the course which practically will be found to be most beneficial to the hon. Member for the city of London himself, and to other gentlemen of his persuasion. I cannot conclude these observations, which I have endeavoured to make as concise as I could, without expressing my sense of the propriety, firmness, and moderation, in all respects, of the hon. Member for the city of London, in the steps which he has taken in this difficult and unprecedented matter. He has, undoubtedly, acted as he was bound to do—under the direction of his friends and of his constituents; and in doing so he appears to me to have demeaned himself in such a manner as to gain the esteem of everybody, and to justify me in expressing a feeling, in which I think the greater part of this House will be ready to concur—a feeling of deep regret that any system of law so monstrous and absurd as this, which I hope we shall repeal in the next Session of Parliament, should exclude from a seat among us a gentleman who, I believe, is calculated to add to the estimation in which this House is regarded throughout the country, and also materially to assist us in our deliberations.

Motion made, and Question proposed—

> "That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House, or to sit in this House during any debate, until he shall take the Oath of Abjuration in the form appointed by law."

Mr. HUME said, he had always been of opinion that the law would allow the Baron de Rothschild to come to the table and take his seat, acting fearless of consequences. After having heard Her Majesty's Attorney General declare that the law, as it stood, was so monstrous and absurd in and out of the House, he thought it lamentable to think that its amendment should have been so long delayed. Where, he should like to know, had been the talents of all the lawyers on both sides of the House for so long a period? The question was, was the Baron de Rothschild entitled to take his seat, he having taken the oaths? The Act said that the oath of abjuration should be taken "on the true faith of a Christian." It was provided by the 13th of Geo. III., chap. 7, that whenever a Jew appeared to take the oath of abjuration, the clause, "on the true faith of a Christian," should be omitted in his case. Now, the hon. Member for the city of London had appeared at that table to take the oaths, and the provision ought to extend to his case. But, even if any doubt remained, it had been entirely set at rest by Lord Denman's Act of the 1st and 2nd Victoria, chap. 105, authorising every natural-born subject to swear in the form most binding on his conscience. That Act had so completely removed every doubt from his (Mr. Hume's) mind, and his conviction on the point was so strong, that he had not hesitated to protest against the withdrawal of Baron de Rothschild after he had taken the oath in the form which he declared most binding on his conscience. Nay, more than that, so strongly was he convinced he was right, that had he been in the position of Baron de Rothschild, he would have taken his seat, subject to all the penalties declared to be involved in his doing so, satisfied that if brought before a court of law, the Judges would decide that he must take the oath in the form most binding on his conscience, and that having done so, the Acts he had quoted, and the order which had been made by that House on the subject, would insure a verdict in his favour. What he called upon Her Majesty's Government to do in the present state of things, which was so truly described by the hon. and learned Attorney General as absurd and preposterous, was not to prejudge the question. Admitting that doubts upon the question existed, he was willing to postpone it with a view to a Bill, till next Session, which he thought the House of Lords would not venture to reject; but he protested against prejudging it, which they would be doing if they passed the resolutions now proposed. One of those resolutions declared that Baron de Rothschild was not entitled to sit and vote in that House. He (Mr. Hume) believed and maintained that he was, and that too without any prejudice. But assuming that there was a doubt about it, he only asked Her Majesty's Ministers not to throw the weight of their influence into the scale which weighed against religious freedom and liberty of conscience. He would prefer seeing them use that influence in favour of the subject, and of removing the monstrous absurdity which the hon. and learned Attorney General had shown to exist. He wished the present state of the law not to be prejudged. If they did not wish to pursue the course taken in the case of Mr. Pease—which they might have, and in his opinion ought to have, taken—let them not postpone the consideration of the question with a declaration that Baron de Rothschild was not entitled to take his seat, seeing that very fair doubts existed on that point. The oaths used to be taken twice, once before the Lord Steward, and in half an hour afterwards again at the table. The late Mr. C. Wynn brought in a Bill to alter that; they were now only taken once, and no one would venture to say that any evil consequence had resulted from the change. He hoped the noble Lord would reconsider the question, and allow it to come before the House next Session without being prejudged. He should, therefore, move the Amendment of which he had given notice.

Amendment proposed—

> "To leave out from the words 'That the' to the end of the Question, in order to add the words 'Clerk of this House, having proceeded as directed by the House to administer the Oaths to Baron Lionel Nathan de Rothschild, one of the Members

for the City of London, upon the Old Testament, being the form which he declared to be most binding upon his conscience; and the Baron having so sworn to the Oath of Abjuration, with the omission of the words 'upon the true faith of a Christian,' and doubts having arisen as to the legal effect of his so taking the Oath, it is expedient, at the commencement of the next Session of Parliament, that a Bill should be introduced to declare the Law with reference to the due administration of that Oath; and further, that this House will then take into its serious consideration the subject of the Oaths now administered to its Members, with reference to the changes which have taken place since they were first imposed by Law'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. C. ANSTEY said, he had a communication to make to the House with reference to the Amendment of which he gave notice on Friday. He had had a conference with Baron de Rothschild that morning; and, as he found that it was not the wish of the hon. Member to go through what he must call the solemn mockery of calling counsel to the bar to argue against a decision which had already been arrived at by those who thought they could command a majority in that House, he would now withdraw his Amendment that counsel be heard in the case. Upon the Government, therefore, would rest the responsibility of coming to that conclusion to which they invited the House to come. But to that conclusion he trusted the House would never come. Much rather would he see the Amendment of the hon. Member for Montrose carried, though, he must say for himself, that he did not concur in the doubts—

MR. HUME: No more do I; but, nevertheless, doubts exist in the minds of others.

MR. C. ANSTEY: With that understanding, he accepted the Amendment of the hon. Member for Montrose, although he did not see why they could not follow the course pursued in Mr. Pease's case. Mr. Pease was admitted by Resolution, and an Act afterwards passed declaring not what the law was, but what it should be. That course ought to have been pursued here. The Baron de Rothschild should have been seated, and afterwards a declaratory Act passed and tendered to the other House, to enable them to confirm the decision. However, he was prepared to take his hon. Friend's Amendment as it stood, and he should certainly vote for it. But, with regard to his hon. and learned Friend the Attorney General, he must confess that he was more than ever deeply involved in the mazes of astonishment and perplexity. How such a resolution as the first could have proceeded from his hon. and learned Friend, he was at a loss to understand; but, heralded by such a speech as they had heard from him, it was still more surprising. What did his hon. and learned Friend say? That the case was unprecedented, and therefore they must exclude the hon. Member for the city of London. His hon. and learned Friend, however, was not always of opinion that a Jew demanding admission to that House was bound to prove his right to the privilege. On a former occasion the hon. Baronet the Member for the University of Oxford, who had been always consistent in his opinions on this question, and who, he might observe, was possessed of too much frankness of character ever to be marked out for office, had said, "Let Baron Rothschild show his right to a seat in this House." What was the answer of his hon. and learned Friend upon that occasion? On the 16th December, 1847, the hon. and learned Gentleman the Member for the University of Oxford said—

> "Every person born in this country possessed all the rights of a fellow-citizen. The hon. Baronet stated that it would be requisite for him first to have the qualification which made it necessary to give him the means of obtaining those rights. He (Mr. Romilly) entirely dissented from that proposition. It was utterly futile to attempt to hold that any one born within these realms was not entitled to all the rights and privileges of a citizen. The burden of the proof that any particular class or individual was not so entitled lay upon those who denied this right to citizenship. It was for them to make out that those persons who were born in this country, in exactly the same situation in all other respects with the rest of their fellow-subjects, were not entitled to those rights and privileges, and to participate in those honours which belonged to and were participated in by the rest of their fellow-subjects."

That was the opinion of his hon. and learned Friend before he had the misfortune to become Attorney General. That was the opinion which he (Mr. Anstey) entertained; and, however little his hon. and learned Friend might think of the opinion of a poor barrister—and knowing, as he did, by the Income Tax Commissioners' returns, that his (Mr. Anstey's) income from his profession never yet amounted to 500*l.* a year—and much as his opinion might be undervalued, because of the *res angusta domi* under which he laboured—he had the satisfaction to think that it was at least an honest opinion, arising from mature deliberation, and that it was once held by his hon. and learned

Friend when he had not, as now, if report spoke truly, his foot already on the first step of the judgment seat. He (Mr. Anstey) believed that no one would assert that the opinion of his hon. and learned Friend the Member for the city of Oxford had not been maturely considered. Well, the Attorney General voted against his resolution, declaring that the seat of Baron de Rothschild in that House was full, and now he tells the House that he believes the seat is not full! Of what value was the opinion of an Attorney General who changed in that way? Of what worth was the opinion of a man who, as he himself remarked, was sitting judicially, if he rushed thus recklessly to conclusions, and in the eleventh hour, without taking counsel with himself, much less with his professional brethren, made the humiliating avowal that his previous opinions were erroneous? What did he say? "This is a new case, and you must take the law, not from precedents, but from my exposition of it; and I confess that the law so expounded by me is monstrous and absurd." That was precisely the position in which the House was placed by the extraordinary speech of the hon. and learned Attorney General; and they had to choose between the law laid down by him and that laid down by those who were called the friends of Baron de Rothschild. And what did they say? They said there was no precedent, and that, therefore, the House had no right to make one. They said that there was no statute imposing the disabilities now urged by the hon. and learned Attorney General, and therefore the House had no right to impose them. They said that Baron de Rothschild was already free, and therefore the House had no right to disfranchise him. They said that it was at best a doubtful case, and that therefore the House ought to let their Member have the benefit of the doubt. Assuming that both opinions were wrong or both right, which, he would ask, would be the more reasonable to affirm? Clearly the latter. The friends of Baron de Rothschild would not tell the House that the course they invited the House to adopt was monstrous and absurd. No; they stood upon the common law—the law of Parliament—and they challenged their opponents to shake their position. But, said the hon. and learned Attorney General, if you pursue that course, you will lay the Baron de Rothschild open to heavy penalties. He (Mr. Anstey) believed that no court of justice would venture to inflict any penalties upon Baron de Rothschild when they were told that he took his seat, not only under the sanction of the House, but in obedience to an order of the House. No court of justice would for a moment dream of questioning that decision; but, if there was any such danger, why should the House be more considerate for Baron de Rothschild than he was for himself, for Baron de Rothschild said he was willing to take the risk? Did the hon. and learned Attorney General mean to say that his mind was perfectly clear that the oath of abjuration could not be tendered to any Member of that House with an alteration in the terms of it by the decision of that House? That was one of the points which he had to determine. The hon. and learned Gentleman quoted statutes which had no force—statutes of William III. and George I.; but what did he say of the statute of George III., under which alone the oaths taken at the table could be administered to any Member? Two important events had happened since the oath of abjuration had passed, which materially altered the case; the princely Stuarts were no more, and George III. had long been gathered to his fathers. The Act, therefore, had ceased to be applicable; and the oath it prescribed ought not to be administered at the present day. In a celebrated case in Charles the First's reign—Sir Edward Coke's case—he refused to qualify himself for the office of sheriff by taking a certain oath, on the ground that it contained a clause by which sheriffs were bound to pursue Lollards and other heretics. That, he said, was an oath in a statute passed in the Popish times of Henry the Fifth, and was abrogated with the religion which it was intended to support. The case was brought before a court of justice, and the court decided that it was illegal, because appointed by an Act which was no longer in force. That was the case with the oath of abjuration. It was accordingly recited in the preamble of the 1st and 2nd Victoria, chap. 105, that the oath, if presented, was to be the new oath, and taken in lieu of that appointed by the statute of 6 George III. Circumstances had changed, and the oath was no longer applicable. Baron de Rothschild claimed to take his seat, assuming that Parliament had a right to alter this absurd and effete oath. The noble Lord at the head of the Government interposed, and said—no, these words of abjuration are part of the substance of the oath. But the noble Lord, in March last, said that if the House was justified in admitting Mr. Pease on his affirmation, there was no necessity for an Act of Parliament. He did not question the right of the House to admit Mr. Pease; but he did the necessity of passing an Act after admitting him. But did the noble Lord really consider in this case that the words "on the true faith of a Christian" belonged to the oath, or only to the solemnity of taking it? When the noble Lord first introduced the Jews' Bill he used these remarkable words:—

> "It is an entire mistake to suppose that the words of an Act of Parliament, that the fag-end of a declaration, can ensure religious motives in legislators, or religious legislation in Parliament. . . . You are merely required to make the declaration 'on the true faith of a Christian.' There are no direct words of exclusion, but you leave exclusion to be inferred."

Then, as it was the postscript of the oath, the fag-end of the declaration, it was not the oath itself nor the declaration itself, but it was that which any court of justice, much more Parliament, had a right to dispense with. The hon. and learned Gentleman the Attorney General had given one reason for the monstrous course which he proposed the House to take. It was, that when they had passed that resolution, Baron de Rothschild would not be able to take his seat in that House unless they went to the House of Lords. That was the very reason that induced him to vote against the Motion. They were not in the same posision that they were in in 1847. Then they chose to assume, contrary to the advice of himself and a few others, that the Jew had no right of citizenship, and they went to the House of Lords to give the right of citizenship. But they had since appointed a Committee on the subject of taking oaths, and, acting on the report of that Committee, they had recognised the rights of Jews by allowing the Member for the city of London to take two oaths according to Jewish solemnity. Having done that they had no right to declare that Baron de Rothschild had no right to take his seat until he had taken his oath on the true faith of a Christian. If they referred this matter to the other House of Legislature, in conjunction with them, they in point of fact submitted their privileges to the other House of Parliament. At the same time, with singular inconsistency, they refused to give to the electors of the city of London the opportunity of electing Baron de Rothschild again, or of electing any one else, and they declared that he should not take his seat unless he were a Christian. That was the position which the hon. and learned Attorney General proposed to take, and he said the reason for it was, that the House of Lords would be so struck with the difficulty in which this House was placed that they would legislate. He (Mr. Anstey) did not think they would, and if they would it would not relieve the House of Commons from the humiliation of having subjected their undoubted privileges to the arbitrary decision of the House of Lords. They refused also to Baron de Rothschild the right to take his seat, and by refusing to declare the seat void, they disfranchised the city of London. In either case their position was indefensible. He should give his vote against the resolutions now proposed by Her Majesty's Government in their new character of disqualificators.

MR. DISRAELI: Sir, in the previous discussions which have taken place upon this subject, the deliberations were of so strictly legal a character that I have refrained from presuming to intrude myself upon the attention of the House. But the resolutions now upon the table have departed from that limited character which has hitherto characterised the propositions submitted to our consideration. The resolutions, indeed, which the hon. and learned Attorney General has brought forward, comprehend one of law and one of policy. I have, therefore, thought that perhaps the House would excuse me if, under the particular circumstances, I ventured to make a few observations on the position in which the hon. Member for the city of London now finds himself, and—relative to his position—on that now occupied by the House itself. The course, Sir, which has been pursued by the hon. Gentleman the Member for the city of London—which has been pursued by the electors of the city of London, and by those Englishmen professing the Jewish religion, in their attempts to obtain an alleviation of their grievances, and a removal of their disabilities—that course, Sir, during the present year, differs from the one which they have hitherto adopted. The change arises from the impatience—the very natural impatience, I admit — which the electors of the city of London, and Englishmen professing the Jewish religion, feel at the position in which they are now placed. It does not appear to me, Sir, that anything has occurred in the constitutional course which they have hitherto pursued for their relief, to justify that impatience; and if their position be now felt as unjustly embarrassing, I should be sorry if they lost their confidence in the path which they have hitherto trod. Sir, with respect to Englishmen professing the Jewish religion, I am bound to say that it does appear to me that there is no class of religionists in this country who have less cause to complain of the spirit of the community, or the temper of the Legislature. When I remember what was the position of that class a very short period back—hardly, indeed, a quarter of a century ago—when I contrast that position of social degradation and political disability with the position which they now occupy and enjoy, I own that I am proud and gratified by the comparison. It is, indeed, one which I am bound to say shows the possession on the part of the Jews of a social footing higher than that which any other body in the kingdom, whose religion is not the religion of the State, could have arrived at within so brief a space. The Roman Catholics were for a much longer period disqualified from the possession of many more offices and the enjoyment of many more rights than the Jews. Every class of Dissenters in this country have really had to undergo a more prolonged and more severe struggle than the Jews, in order to obtain the rights and privileges of which they are now in possession; and I think, that at a moment like the present, when there is a degree of impatience evinced by the electors of the city of London, at not immediately accomplishing the results to which they have aspired, it is expedient for us to take a calmer and more comprehensive view of the circumstances of the case than we have yet done; and in doing so I arrive at a result which is more favourable to the enlightened spirit of the community and the temper and moderation of the Legislature, than some opinions which have been expressed both in and out of the House upon the subject. But, Sir, if the English Jews have little cause to complain of the bigotry of the community in which they live, and of want of toleration in the spirit of this age, have they a fair quarrel with the conduct of that other branch of the Legislature whose conduct has, in the course of the discussion, been subjected to some criticism which, in my opinion, is not only harsh but unjust? It is about three years ago when after a prolonged discussion in this House, in consequence of the election of an Englishman professing the Jewish faith as a Member for the city of London, that this House passed—not by an overwhelming, though certainly by a numerous and respectable, majority—a Bill removing certain disabilities which prevented the gentleman in question from taking his seat. What was the reception of that Bill in the House of Lords? It received the solemn and deliberate consideration of that House. It was not however passed, but rejected by a highly respectable, although not by an overwhelming, majority. Well, Sir, so far, is there any one, on whichever side of the House he sits, who would question the full propriety of the conduct, under the circumstances, of the House of Lords? A Bill which proposed a very great alteration in the constitution of the country is brought under the notice of the hereditary chamber. It receives a full and temperate discussion, and it is not carried, the majority, however, being one by no means startling in amount. Well, the Government next year proposed a measure, if not of an identical at least of a very similar character. What was the reception of this second Bill in the Upper House? It was again discussed—certainly in a spirit of mitigated hostility—it was rejected by a majority less in amount than before. Well, then, so much for the conduct of the other branch of the Legislature up to that point. What is there in it, I ask, which should challenge the criticism, or justify the reprobation so lavishly used against the strictly constitutional course pursued by the House in question? Then came an event not without its significance. The hon. Member for the city of London accepted the Chiltern Hundreds. He appealed, after the verdict of the House of Lords, to his constituents, and he was returned, after an arduous contest, by an overwhelming and most triumphant majority. Now, I admit that this was an incident which ought not indeed to control, but to influence, the opinion of any assembly in the position of the House of Lords. It was an event not to be thrown out of the calculation of wise and politic men. And if immediately after such an occurrence the House of Lords had again pronounced an adverse verdict upon the claim, then I would admit that, although you might not have legal—although you could scarcely have constitutional grounds to impugn their decision, you might still have grounds for politic objection to the course pursued by the branch of the Legislature in question. But allow me to remind the House that the consequences of the appeal made by Baron de Rothschild to his constituents have never yet been put before the House of Lords with the view of obtaining a reversal of their original decision. Indeed, I heard with infinite surprise, not unmingled with pain, an hon. and learned Gentleman so entitled to our respect as the representative of the city of Oxford, in his able and well-considered address, so state the case as to convey to the House and the country an impression that the second verdict of the House of Lords was pronounced subsequently to the second election for the city of London. The hon. and learned Gentleman, referring to the second election, said, that notwithstanding that demonstration the Ministerial Bill was again rejected in the House of Lords. As far as the other branch of the Legislature is concerned, our opinion of their policy must mainly depend upon a right appreciation of these circumstances. If the re-election was so significant a symptom as I admit it to have been, was there, therefore, not the greater reason for the speedy reintroduction of the Bill? But when we attempt to make a case against the other branch of the Legislature, we should, if we were actuated by a spirit of justness and fairness and impartiality, never omit to remember that so far as the machinery of the constitution is concerned, the incident of the re-election has never been brought under the legislative consideration of the House of Lords. And, therefore, Sir, the natural impatience felt by the electors of the city of London has no foundation as against the community, or as against the House of Lords. If there be any persons who are responsible for the position in which the electors of the city of London are now placed, those persons are Her Majesty's Government. The case, I contend, which has been urged against the House of Lords is not founded on fact, and all the odium which you have raked together, all the invidious circumstances and considerations which you have gathered, may, so far as that assembly is concerned, be passed over without further consideration. I might say, also, on this subject, remembering the language of some hon. Gentlemen opposite only a few nights ago, that there is no fallacy greater than, when arguing the question of the respective influence of the two Houses, you proceed upon the assumption that the House of Commons is agreed upon a subject, but that its determination is frustrated by the House of Lords. Hon. Gentlemen opposite who use this argument would do well to remember that if it be not the letter, it is at least the spirit of the constitution, that the opinions of the minority should be respected. And when you find a project of law which has passed one House by a majority, frustrated by a majority in the other House, you ought to remember that that majority in the latter House would not probably have been found, had not the decision arrived at been supported by a large minority in the first House, and throughout the country. That respect, indeed, for the opinion of the minority, I hold to be a principal cause of the success of the legislation of this country; and when hon. Gentlemen take an opportunity of regretting that there should be any other tribunal to appeal to than this House, and when they treat with contempt the opinion of the minority on any subject, I think that they would do well to calculate whether the occasional delay thus incurred be not compensated for by the remarkable fact that the deliberate opinion of Parliament on great subjects is very seldom revoked. We were indeed told by one hon. Gentleman that the hereditary chamber are not all Solomons. This I may believe. But if the hon. Gentleman will find me an elective chamber, altogether consisting of Solomons, I own that I shall be as surprised as I shall certainly be delighted. The hon. Gentleman may rest assured that a moral and intellectual analysis of the elements of either chamber would be very inconvenient, and by no means a process to be encouraged. Having then made these remarks, I shall proceed to state the reasons which influence me as to the course which I am about to take in reference to these resolutions now on the table. The first of these is a resolution of the House declaratory of the law—not a very constitutional proceeding, and one which I venture to observe nothing but extreme necessity should drive us to. The other is a resolution pledging the policy of the House in a subsequent Session—a proceeding not of a very politic nature, and one to which also recourse should certainly not be had, except under circumstances of extreme necessity. How then have such circumstances arisen? Why are we thus called upon to come to a resolution by one House, declaratory of the law, and another resolution pledging the policy of the same House at a period, comparatively speaking, very distant? What are the causes that the House of Commons is called upon to take so unusual and even so violent a course? I have shown you that it is not in the temper of the community that you are to look for that cause. Whatever may have been, or may still be, the opinion of certain Gentlemen of this House, no one can say that there has existed in the House or in the country that spirit of prejudice, of intolerance—I may say, bigotry—which has prevented the Minister from taking steps for the removal of Jewish Parliamentary disabilities. The causes, then, of which we are in search lie neither in the temper of the people nor in that of this House. I deny most emphatically that they are to be found in the temper of the hereditary chamber. The case of the House of Lords, as I have already shown you, is clear, and free from every blemish. They have given to a novel and important proposition an impartial and solemn consideration; and, upon two instances though they rejected the measure, they have never rejected it by an overwhelming or overbearing majority, and upon the last occasion that majority was diminished in number. As far, therefore, as the temper of the community or the temper of the Legislature was concerned, there was nothing very discouraging to those who believed they were pressing just claims. The case of the Upper House is clear and free from every blemish, and thus we come to the fact, the undoubted fact, which no one will, I think, deny, that it is the conduct of the Government which has now brought us, the House of Commons, to our present position, and that it is to extricate the Government from the position of difficulty in which they feel themselves placed, that we are now called upon to take a most unusual, not to say unconstitutional, course —one which none but the gravest circumstances could possibly vindicate or justify. For myself, and speaking only and especially for myself on this occasion, I decline to adopt that course. I shall not vote on either of the resolutions before us. I leave the law as I find it; but if it be necessary to change that law, I call upon that Government who have expressed on more than one occasion an unequivocal opinion upon the subject, to act honestly in the matter, and to remedy the grievances which they have acknowledged. I want, indeed, to know what is the excuse of the Government for not having introduced a Bill the moment that Parliament met? If it were desirable in 1848 and 1849, surely it was much more desirable in 1850 that some such step should be taken after the second election in the city of London. I am, indeed, told that there was a Committee formed to inquire into the nature of the oaths requisite to be taken, and that until this Committee reported it was not incumbent upon Government to advise Parliament upon the question. Why, Sir, does Her Majesty's Government mean to say that for three years they have been acting upon imperfect information? that on a subject of the greatest delicacy, importance, and interest, they have rushed down to the House, and without due investigation and due research, called upon the House at once and precipitately to legislate? Is that the plea of the Government? Why, Sir, before all the lawyers in this House, from Mr. Attorney himself down to that hon. and learned Gentleman who has this morning been so frank as to the extent of his practice; even, Sir, in the presence of all these hon. and learned Gentlemen, I will venture to say that, however ingenious may have been the researches, however valuable the investigation, of the Committee presided over by the hon. and learned Member for the city of Oxford, they did not yet succeed in producing a fact, or in eliciting a result, new to those who had given any previous study and inquiry to the subject. Well, then, I consider it a mere mockery on the part of the Government to pretend that the progress of legislation was retarded, because they waited for the result of the investigation of the Committee upon Parliamentary Oaths. Sir, I wish to use no violent language upon the subject; but this I must and this I will say, that the Government who, in any way, would attempt to extricate themselves from the consequences of their own misconduct by joining in an unfounded clamour against a constitutional proceeding of the other branch of the Legislature—a clamour not only unfounded, but absolutely, under the circumstances, one of the most unjust and unjustifiable which was ever excited—I say that a Government, or the supporters of a Government, who take that course, take one which I believe the frank and candid, the just and generous, people of England will never countenance and never approve of. Sir, I have taken the liberty of making these few observations. I have, I may add, when the question before the House has been the removal of the disabilities now in discussion, given the measures for such removal my unhesitating and unvarying support. I have indeed been sometimes accused of not accompanying the exercise of my suffrage with an expression of opinion on the subject itself. I remember that the noble Lord at the head of the Government did, not in a very generous, certainly not in a very constitutional way, last year, remind me that my vote was a silent vote. Sir, if I thought that anything which I could say would have tended to accomplish an object dear to my heart as to my convictions, my vote would not have been a silent one. But, inasmuch as I believe that my opinions upon the subject are not shared by one single Member on either side of the House, I thought that it was consistent, both with good sense and good taste, that, after having once unequivocally expressed the grounds on which my vote was given, I should have taken refuge in a silence which, at least, could not offend the opinions or the prejudices of any hon. Gentleman on either side. The opinions I then expressed I now retain. They are unchanged; and were it not presumptuous to speak of human opinion as being immutable, I would express my belief that they are unchangeable. If, indeed, this were a Pagan country, I could easily conceive and comprehend why the claims of the English Jews might be politically, and in a certain degree with a show of reason, opposed. But, Sir, because this is a Christian country, because it owes, like every other Christian country, its Christianity to the agency and the influence of the house of Israel, I cannot agree with that course which is at present pursued by the Legislature of England, and say that it is a just and wise course. And, indeed, Sir, although I have no wish at any time to dilate upon feelings or views which may not be prevalent or popular in this House, I never will relinquish them; and even now, shrinking as I do from offending the feelings of any one, I will still express my hopes that full and complete justice will speedily be done to the descendants of a race which you acknowledge to be sacred, and the professors of a religion which you admit to be divine.

Sir R. H. INGLIS said, the hon. Member for Buckinghamshire had declared his opinions to remain unchanged: he too retained the opinions which for more than twenty years he had endeavoured to enforce on the House; and, borrowing the expression of the hon. Member, those opinions, so far as human opinions could be, were unchangeable. His hon. Friend's speech consisted of an elaborate defence of the House of Lords, and a strong attack on Her Majesty's Ministers. He would not follow the hon. Member in his defence of the House of Lords, as that would be presumptuous; and he did not think it desirable to allude to the conduct of Her Majesty's Ministers. It was sufficient for him to find certain resolutions on the table of that House; and from whomsoever they might come, he would treat them according as he found them. He would, in passing, observe, that so much of the larger portion of the question was left untouched—exclusive of the legal and political parts—that he must be excused if he addressed himself to it. He could not but feel, in sober reality, that the House was called upon to submit to a course of policy which involved some of the dearest privileges of the country, and which directly attacked one of the distinguishing characteristics of England. It must be remembered that our Legislature had never yet assembled except under Christian sanction. He had been reminded that Quakers had been admitted, and admitted without any oath; but he would ask the House whether a Quaker would not consider he was insulted if asked if he were a Christian? Former questions as in the case of Quakers and Dissenters, were not questions between Paganism and Christianity, or Judaism and Christianity, but questions between different forms of Christianity; and although much had already been sacrificed—a sacrifice which he had always regretted—when, twenty-one years ago the Legislature gave admission to a particular sect of Christians; yet, still, that and other cases were all different from the present case. All looked to a common Saviour for redemption, and all entered that House under a confession that they were Christians; and under the obligation which that confession involved. If the House admitted the two resolutions, they would, in fact, have consented to admit those to legislate for our country and Christian Church who would feel affronted were we to describe them as members of our Church, or as connected in any degree with the Christianity which is our glory and our hope. The peroration of the hon.

Member's speech, and even before he came to it, satisfied him that the hon. Member was conceding the whole case. The hon. Member made it only a question of time—we were only to wait for an improvement in the state of public opinion—that made it a mere question of time. There was a majority in the House of Commons—that majority would have a fair influence on the majority of the House of Lords, and little by little the majority would dwindle down, and the present opinion of the minority would prevail. Such was the hon. Member's argument. He hoped, however, this would not be the case. The majority in that House might be large; but he hoped every one who thought with him would feel as if it depended on his single vote whether a constitution which we had hitherto regarded as a Christian constitution should cease to be Christian, and little by little be subjected to a total change. He objected, then, to the proposition for altering the oath. The oaths were intended to give to the country such security as man could give to man, that certain functions would be discharged on certain principles. Taking the oaths together, such was their object and effect. Believing as he did that the profession of our common Christianity was the birthright of this nation; and that they should not lightly sell that birthright for any such advantage—and he would not undervalue it—as that which the hon. Baron de Rothschild might furnish to their deliberations; still when he (Sir R. Inglis) considered what they were to pay for that advantage, he could not agree with his hon. and learned Friend the Attorney General in expressing even a passing regret that some delay should be opposed to the admission of such a man. And when they were told that Baron de Rothschild had taken all the oaths, it must be replied, that, though Baron de Rothschild had taken an oath of abjuration, it was not the oath, that particular oath, of abjuration which Parliament required to be taken. It mattered little the number of oaths, whether nine or nineteen, so long as the oaths were imposed by Act of Parliament. As long as this was the case, he contended that no resolution of that House could do away with those oaths. If they said there was a dispensing power in that House, they must also say there was a dispensing power in the House of Lords and in the Crown. Though he was unwilling to agree to the last resolution, yet if the subject must be taken into consideration, he should not object, as he felt it was Parliament only that could give Baron de Rothschild a title to his seat; and unless they decided that the House of Commons had a dispensing power irrespective of the House of Lords, they must be content to pass through the form of an Act of Parliament. He earnestly hoped in the interval between this and the ensuing Session there would be such an expression of public opinion as would exclude all hope of carrying their present purpose. They commenced their legislation by prayer to God; the Members all professed the Christian faith before they took their seats; and he would oppose any measure that would unchristianise that assembly. These being his opinions, he could not give his support to the resolutions.

Mr. ROEBUCK reluctantly rose to give his opinion; but he must first say, in spite of the consistent opposition of the hon. Baronet the Member for the University of Oxford, the question was already settled, but he did not think that the mode in which that settlement had been arrived at was such as to reflect honour either on the House or the Administration. It was no longer a legal question, but one of policy; and it was against the policy of the hon. and learned Attorney General that he protested. The House was no longer exercising a judicial function, as it did some time ago, when it negatived the proposition presented to it in that character. They were now volunteering a resolution, which was not called for by the case before them. It was a voluntary proposition on the part of a Gentleman representing the Government; it was a proceeding of the Administration. It was no longer a Bill propounded to the House by the noble Lord the Member for the city of London; it was now a Ministerial proceeding; and it must be propounded in the House in the shape of a Bill, and successfully carried through both Houses, or the honour of the Administration would be forfeited. There was no second course to be adopted. Every prophecy he had made had been verified. When the hon. Member for the city of London was returned, he had pressed him to bring the matter before the House. The answer was that it was in the hands of his Colleague, the head of the Administration, that the proposition would come forward backed by all the authority and strength of the Government, and that in common courtesy they ought to give the noble Lord a little time. The Bill did not pass. He had asked the noble Lord over and over again why it was not reintroduced. The answer was, "It will come in time. Don't be in a hurry. You are always so impatient." He (Mr. Roebuck) had then predicted that the Bill would not pass this Session; for this reason: it was characteristic of a Ministry never to dare a difficulty. This was an open question, as far as they were concerned. Questions on which there was not much opposition might be made Ministerial matters; but where there was a chance of resistance, the Administration shrunk from it. This was more especially the characteristic of the Administration which had the noble Lord at its head. If the constituency of London could have depended on anybody to represent their opinion, it was the noble Lord. On that ground, he was bound to have propounded this Bill long ago. Again, did not the noble Lord and his legal advisers thoroughly understand the state of the law? No doubt they knew every Act of Parliament bearing on the question, and every legal conclusion that could be drawn therefrom. But any one who would point out to a Ministry the means of staving off a difficulty was always received with open arms; and the moment the hon. and learned Member for the city of Oxford proposed his Committee, it was seized upon as a godsend. It kept off the determination of the matter, on the pretence that the Committee were seeking for precedents. When precedents were found, and these were laid on the table, what was the conduct of the Government? Again, promises were made of propounding the Bill: those promises were broken; and at last, when the House was tired of every species of legislation, a string of measures was at once thrown aside, postponed till a future Session; and amongst them was this Bill, which the Minister of the Crown was bound by a double obligation to pass. The hon. and learned Attorney General had called the state of the law preposterous, monstrous, and said the sooner it was got rid of the better. Did the hon. and learned Gentleman believe that that House was anything like a fit tribunal to decide on a question of law? The hon. and learned Gentleman might have a clear conception of the conclusion the House ought to come to; others might adopt an opposite conclusion; for the hon. and learned Gentleman would not assume anything like infallibility. That being so, a much safer course was open in this monstrous state of the law—the course of the hon. Member for Montrose. His resolution declared there were doubts; this the hon. and learned Attorney General would not deny. There was no doubt as to the facts; but the Amendment, in effect, said, "Let us not, unfit as we are for the decision of a legal question, assume to be what we are not—judges of the law. Let us come to such a resolution as may not influence the state of the law one way or the other; and then let us pledge ourselves, in the words of the proposition of the hon. and learned Attorney General, to legislate on this matter at an early period." How had this proposition been met? To his utter astonishment the hon. and learned Attorney General had gone through a series of hypotheses regarding the feelings and opinions of the House of Lords; but he had thrown them every one out, and put the House of Lords in the most invidious position. He had represented them as persons of so idle a character— [The ATTORNEY GENERAL dissented.] The hon. and learned Gentleman must not shake his head, for he (Mr. Roebuck) would prove what he said before he sat down. He repeated, that the hon. and learned Attorney General considered them to be so easily impressed by considerations beneath the character of a Legislature, that what was true and right was as naught to their minds put by the side of some slight consideration of personal convenience. He had said the House of Lords would ask why the House of Commons did not pass a resolution and settle the law for themselves? He did not think that the House of Lords, themselves a judicial body, could have possibly employed such an argument in answer to a Bill brought forward on such a great and serious subject. The hon. and learned Gentleman said, "If you do not immediately declare that the Baron Rothschild cannot sit in this House, you have no chance of carrying the Bill in the other House." That was his whole argument. He had left out of consideration the strong feeling now prevailing out of doors in favour of this measure. The persons to whom the measure directly referred were very few in number, and though some might be persons of great wealth, as a body in this country they were actually of no power or importance whatever. But under this there lay a great question. The hon. Baronet the Member for the University of Oxford might pretend to say that a large majority in the country would stand up for the Christianity of that House. But the large majority of the people of this country were not people to be caught in cobwebs like that. They were no more justified in calling that House a Christian House —which had had for its leader a Bolingbroke, and for one of its chief ornaments Gibbon—than they would be justified in calling it a Jewish House after Baron de Rothschild was admitted. What considerations influenced Bolingbroke? He would have taken three, or 30, or 300 oaths, without hesitation. They could not bind such a man as that. These oaths only bound the most conscientious; they were used for a mischievous purpose; they gratified a bad feeling, and did no good. When he saw the hon. Member for the city of London stand at that table, and heard him repeat those oaths word after word, he asked himself, was there a man in the House who did not feel that the oaths had been taken with every sanction that could possibly be given to them? And yet, because he omitted a few words, which he could not use without the grossest hypocrisy, because he told the House candidly that he took the oath in the way most binding on his conscience, they having previously told him to do so—on this account he was to be declared disentitled to sit or vote in the House. What was this but to make a mockery of oaths? There had been a discussion as to the difference between juridical and promissory oaths. It was quite clear, in the first place, that this oath, for the purpose for which it was framed, was utterly futile. Of those who took it, there was not a man who did not feel that he was doing a ridiculous thing. Here was a body of men calling God to witness their asseverations, on a promise which they knew they could not possibly have the smallest chance of breaking. Talk of that being a Christian assembly, a really pious assembly would not permit a holy object, and great and sacred things, to be applied to a purpose so mischievous. The only purpose of an oath must be, either to bind a man as to his future conduct, or to certify that he had done something before. But the hon. Baronet the Member for the University of Oxford having got the instrument of ecclesiastical torture in his hand, was so fond of it that he would not give it up; it was used, not for the purpose of an oath, but for the purpose of exclusion. If the House wanted exclusion, let them say so, let them pass a Resolution, or a Bill, declaring that Jews should not sit in that House. He would not insult the House by going through arguments to show that this oath could not have the slightest reference to the Jews: at the time when it was concocted, the Jews could not have been in the contemplation of any statute maker. He was not surprised at the advance made on this question in the last quarter of a century. We were very different from our ancestors; and that difference was nowhere more clearly shown than in the votes of the Legislature. A more painful page could not be conceived than that of our earlier Statute-book; from the beginning nothing but bigotry and hate was written in broad and bloody characters. From day to day, and from year to year, the spirit of legislation had improved; till at last nothing was left but this last wretched remnant of an old, miserable, and effete bigotry. He rejoiced to know that there was a determination to get rid of it, and to go further, to take into their consideration the remaining portions of the restrictive and exclusive system. Let them grapple with the question as legislaters, and not in an unfair piecemeal spirit. If it was the intention of the Legislature to exclude the Jews, let them be excluded by name; but until they were so, let them not be excluded in virtue of a quibble about the phraseology of an oath. The course proposed by the hon. and learned Attorney General was not a generous, safe, or candid course. He had no right to assume to himself the power of saying what was the law. He was not infallible; he acknowledged that the House was a bad tribunal for legal questions. He would not deny that another course was open; he would not deny that the Motion of the hon. Member for Montrose would not offend, as his would do, a large body of conscientious men in the country—would give no offence to that constituency which the noble Lord had represented, and at the same time would attain the very end sought to be attained, in putting down that very monstrous state of the law which the hon. and learned Gentleman himself acknowledged was a disgrace to the country, and which, if enforced, might at once subject the hon. Member for the city of London to a variety of pains and penalties. Could not the hon. and learned Attorney General allow the hon. Member for London to take care of his own interests; and, if he chose, to run the risk of penalties for sitting and voting, as Mr. Pease had done? Mr. Pease had incurred that responsibility the whole of the time he sat in that House. He must condemn the present proceedings, as not only impolitic, but unjust.

Mr. REYNOLDS moved that the debate be adjourned.

Motion made, and Question proposed, "That the debate be now adjourned."

Lord J. RUSSELL recommended that the debate should then be proceeded with, and brought to a close as speedily as possible, with a view to an immediate division.

Motion, by leave, withdrawn.

Mr. REYNOLDS said, he had only a very few remarks to make. The legal portion of the question had already been so well argued by the hon. and learned Member for the city of Oxford, that it was unnecessary for any one else to say a word on the subject; he should therefore content himself with very briefly observing, in the first place, that he should not vote for the resolutions of the hon. and learned Attorney General. [*Cries of* "Divide, divide!"] He claimed a right to be heard in that House, and if he were not heard, he should move that the House do then adjourn. The hon. Member for Buckinghamshire, in apologising for the Lords, had asked if they had ever known that Solomons abounded in any elective body with which they were acquainted. Now, he begged to observe that he had not said anything about the Solomons of the House of Lords, but he could not help regretting that they had only one Benjamin in the House of Commons. The hon. Member had said, that neither the House of Lords nor the House of Commons were to blame so much as the Government; but what had the House of Commons done? Upon eight different occasions the House of Commons had divided, and the gross votes in round numbers upon the one side had amounted to 1,700, on tbe other to 900, showing on the whole a clear majority of 800. After looking at that state of the opinion of Parliament, was he to be told that the House of Lords were not to blame? He was an emancipated political slave, and he sympathised with the Jews; and he could not shut his eyes to the fact that, of all the men now living, who in their day had opposed the emancipation of the Roman Catholics, every one of them was at present against the admission of the Jews to Parliament. The University Members were the men who engaged in a crusade against the Jews, and who, in the year 1829, told the House that, if they emancipated the Papists, they must also emancipate the Jews; and now he would say to the hon. Baronet the Member for the University of Oxford, that, having emancipated the Catholics, whom he believed to be idolaters, why did he not emancipate the Jews, to whom he did not impute the crime of idolatry? Why, he would ask, did they refuse to admit the Jews, when they admitted men who believed neither the Old nor the New Testament? [*Cries of* "Name!"] He had, on more occasions than that, given the House useful information; but he doubted whether naming those Gentlemen would be supplying any useful information. It was enough that Gibbon and Bolingbroke had sat in that House; and if he lived long enough to survive the Members to whom he had referred, he might possibly mention their names. And now, in conclusion, he begged to remind hon. Members opposite, that the eyes of the united kingdom were on them; that they were playing a dangerous game; would they submit to be made the footstool of the other House; and, that House having been reformed, were they to tell the world that the House of Lords never were to be reformed?

Mr. W. P. WOOD said, he would not detain the House for more than ten minutes; but it was impossible for him to let the resolutions pass by without saying a few words upon them. They had already decided that by law the hon. Member for the city of London had taken the oath, and these resolutions were that, not having taken the oath, he should not be permitted to take his seat till he had done so. He was not then going to repeat the legal argument he had used on a former occasion, that the Legislature having severed the oath into two parts—that which was sworn to, and that which was sworn by—the Baron de Rothschild was excused from swearing "on the true faith of a Christian." That argument had not been answered yet, for it was no answer to say that if these words were left out, any person might leave out what he pleased. His argument was, that they might leave out what was sworn by; and it was no answer to that, to say if you can do that, you may as well leave out what is substantial. He admitted to his hon. and learned Friend the Attorney General, that the House had no dispensing power. He protested as strongly as any man against such a power on the part of the House; but in the present case there was no need of a dispensing power, because the oath was taken. It was said that a man had no right to tamper with an oath. He agreed in that; but his anwer was that the words "on the true faith of a Christian" formed no part of what the man had to swear, and, therefore, that he did not tamper with the oath. But it was dangerous to tamper with the privileges of that House; it was dangerous to tamper with electoral rights; and if they came to a conclusion adverse to the claims of Baron de Rothschild, they would be tampering with those privileges and those rights. He would take the question as if it arose before a court of law. He would take the case of two justices putting this oath to a Jew—a suspected Jew, and upon his refusing, he would suppose the matter brought to a court of law, and the court called on to deal with the party as a Popish recusant convict. They say, "We suspected this man of communicating with the enemy, and tendered him the oath of abjuration." The judge says, "Well, what did he do?" "He required to be sworn on the Old Testament." "Well, that was right." "We thought so, too, and we admitted him to swear on the Old Testament, but when we came to the end of the statute he said he could not swear 'on the true faith of a Christian.'" "But," the judge would say, "has it not been decided that he is to swear on the Old Testament? We must look into the statutes, and see how they affect the case of the Jew." And in looking into the statutes it would be found that it was not the intention of the Legislature that this oath should be taken by men who were neither Jews nor Christians—by those who were compared by Sheridan to the blank leaf between the Old and New Testament, but all that was arrived at was to give the sanction of an oath to a declaration of loyalty to the Queen's subjects. A court of law, therefore, looking to the whole of the Acts of Parliament, would not decide that a whole class of persons, like the Jews, were under an incompatibility of proving their loyalty, and of escaping the penalty of being declared Popish recusant convicts. No court of law in the country would come to such a decision. He asked that House therefore whether, sitting judicially, it would come to a conclusion which he was perfectly satisfied would not be the judicial conclusion of any court of justice in the country. A court of law would not dispense with the statutes, would not dispense with the oath; but they would take a common-sense view of the case, and allow the Jew to swear in the form which was most binding upon him. There was also not only no precedent against him, but there was a precedent in his favour, because that House came to an unanimous conclusion in the case of the Quakers, which was a much more doubtful one than the present, that they might omit these words in making an affirmation, instead of taking the oath. And who managed the case of the Quakers? Not an individual of little experience in that House like himself, but the right hon. Member for Montgomeryshire, the late Mr. C. Wynn, who was admitted by all to be better acquainted with the forms and practice of the House than any other Member. And he had the authority of that right hon. Gentleman for saying that he was not only perfectly satisfied of the soundness of the conclusion to which he came in the case of Mr. Pease, but that illness alone prevented him from giving him (Mr. Wood) his support on the present occasion. He wished to vindicate for the law the right to be considered—what he believed the law of England was considered by all who understood it—a law which recognised the principle of common sense, which paid special regard to the liberty of the subject, and which cherished as an indisputable maxim, that no one British subject differed from another, except by express statute. It was on that ground that the black man was pronounced free the moment he touched the British shore; and it was by that same common law that the Jew was entitled, like any other subject, and on the same test of loyalty to take his seat in that House. He might want eloquence to enforce his views; but he had a strong and deep feeling of conviction that he was right, and in that case Providence would never fail to supply him with words to express them.

The SOLICITOR GENERAL was anxious to say a few words to justify the vote he intended to give, because he regretted that he could not come to the same conclusion with the hon. and learned Gentleman the Member for the city of Oxford. There was no man in the House who would feel deeper gratification than himself at seeing the hon. Member for the city of London take his seat amongst them; but the present question was one on which every man was bound to speak and act according to his own conscientious conviction, and he (the Solicitor General) felt bound frankly to state his opinion accordingly. It seemed to him impossible to come to any other conclusion than this — that the words which formed the difficulty and obstacle to Baron Rothschild taking his seat were substantially part of the oath. If they looked back to what was the object of the Legislature in enacting these oaths, they could not entertain the slightest doubt that the words in question were intended to form part of the oath. And there was this distinction, that while they allowed every man to adopt whatever form of oath was most binding upon his conscience, they could not allow an alteration in the substance of the oath which was to be taken. Take the case of a court of justice. The Jew swore on the Old Testament, with head covered; the Mohammedan took the oath on the Koran; the Covenanter swore touching the book instead of kissing it. But they did not allow any body to alter that which was the substance of the oath. There a man was sworn to tell the truth, the whole truth, and nothing but the truth: he would be permitted to take the oath in the form most agreeable to his conscience, but he would not be permitted to alter the substantive part of the oath. He (the Solicitor General) thought that the words "on the true faith of a Christian" formed part of the oath; and he would tell them why. The Legislature introduced those words for the purpose of preventing a Roman Catholic from taking his seat in that House. It was supposed at that time that there was something in the creed of the Roman Catholic which, by some mental reservation or jesuitical jugglery, might enable him to take the oath in the ordinary form, without considering it binding on his conscience. The words in question were therefore added by the Act of Parliament for that express purpose of excluding him. He would ask—that being the object of the words—if a Roman Catholic had presented himself at the table of the House, and had proposed to take the oath, omitting those words, would he have been admitted? Indisputably not: he, therefore, thought those words were of the substance of the oath. But, then, it was said that there was a precedent in Mr. Pease's case. He (the Solicitor General) admitted the force of the precedent, so far as it went, but they should remember the difference of the circumstances. When Mr. Pease's case came under the notice of the House, a Committee was appointed to inquire into the various Acts of Parliament relating to the Quakers, and on the report of the Committee, the House admitted Mr. Pease to affirm; but they admitted him on reference to the Acts of Parliament which had been previously passed for the relief of the Quakers—the Acts of William III. and the 1st George I. The Act of George I. adopted and confirmed the rule established by the first-mentioned Act, that in all cases where the abjuration oath might be required of Quakers, a Quaker should make an affirmation, omitting the words "on the true faith of a Christian." It appeared to him that that must have been the ground on which the Committee proceeded; but the case of a Jew was different. They had two Acts of Parliament, in which special exception was made in favour of Jews, permitting them, in taking the abjuration oath, to omit the words in question; but these two Acts were not general, but were limited to particular cases. So far, therefore, from those Acts making in favour of the Jews, in the present instance, they had an exactly opposite tendency; and there was no court of justice in the world in which two special exceptions, introduced by special Acts of Parliament, would not be considered as leading to an exactly opposite conclusion to that which was now attempted to be drawn from them. He must say that, looking at the intention of the Legislature in passing the Acts by which the oath in question was required, and looking at the restricted operation of those special Acts in favour of the Jews, he thought that that matter admitted of no doubt, and that the words proposed to be omitted were of the essence of the oath, forming a part of its substance and not of its form merely. It now only remained to decide whether they ought to come to any decision, or pass any resolution on the subject. He thought they should. Baron de Rothschild had come there and declined to take the oath in the form which the Act requires. Had he been admitted? No: Mr. Speaker had ordered him to withdraw. It appeared to him (the Solicitor General) that they were in a false position—that they must do something—and that they must either allow Baron de Rothschild to take his seat, or be prepared to admit that he had not complied with the forms prescribed by Act of Parliament as a necessary preliminary to taking his seat, and adopt the fair, manly, and honourable course of stating the principles on which he was disqualified. He (the Solicitor General) was quite sure that the majority in that House would entertain do doubt as to the second resolution; for they must all admit that the law, as it at present stood, was in a most anomalous and unsatisfactory condition.

Mr. BRIGHT said, that he was not going to make a speech, but to observe upon one point which had been addressed to the House by the hon. and learned Solicitor General, in which he was wholly at fault. The question of Mr. Pease had been alluded to, and it appeared to him to be the chief stumbling block in the way of the opponents of the admission of Baron de Rothschild. If he understood the hon. and learned Gentleman, he said that you might alter what was only of the form of the oath; but that you could not in any degree change the substance of the oath. Now, observe what had been done in the case of Mr. Pease. He (Mr. Bright) came into that House by virtue of a declaration, word for word, similar to that by which Mr. Pease had been admitted. Mr. Pease came to the table and declared not against this oath, but against taking any oath at all. First of all there was the oath of fidelity. He did not take that; he did not even affirm it. Then there was the oath of supremacy, which declares—

> "I, A. B. swear that I do from my heart abhor, detest, and abjure as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope or any authority of the see of Rome, may be deposed or murdered by their subjects or any other whatsoever."

Now, he thought that these were matters of substance, but Mr. Pease did not declare or affirm it. Then came the oath of abjuration; and did Mr. Pease affirm the substance of that oath? He (Mr. Bright) maintained that he did not. First of all they were to affirm that the Queen was their lawful and rightful Queen—to renounce allegiance to James III., or his descendants; they were to declare that they would defend the Queen, and maintain and defend the succession to the Crown against the descendants of the said James III. and all other persons whatsoever, and then came the words "on the true faith of a Christian." Now, how did Mr. Pease, how did he himself, make the affirmation. In the first place, they did not say a word about "defending" the Queen. They promised "to bear faithful and true allegiance," but the word "defend" was entirely omitted. He asked the House if that was not a part of the substance of the oath? Then they were to declare that they would maintain and defend the succession against the descendants of the said James, or any persons whatsoever. He understood that was an essential part of the oath, and yet neither Mr. Pease, nor he, nor the hon. Member for Leicester, made that declaration. The words "on the true faith of a Christian" were not put to them at all. Was the House asked now to do one tenth of so grave a thing, or to depart so much from the substance of the oath as it had done by an unanimous vote when it permitted Mr. Pease to take his seat in 1832? He was convinced that they were not now proposing to do anything near so serious as had been done in the case of Mr. Pease. But some persons answered that the precedent of Mr. Pease was not a good one, that the House had done wrong on that occasion. Whether the House had done wrong or not, the House at that time was a fair judge. He was inclined to think that the House had done right, because there could be no doubt that the common law intended that every man who was elected should be allowed to take his seat in the House. But if the House had made a stretch in allowing Mr. Pease to take his seat, it was now asked to do a much lighter thing. It was said that Mr. Pease thought it right to ask for an Act of Parliament even in his case. Mr. Pease was an exceedingly prudent man. He was perhaps in this case somewhat of a timid man, and he asked the House to pass a Bill. But this House passed the Bill unanimously, and the House of Lords passed it also without any question. There was no dispute that the House did right in allowing Mr. Pease to take his seat in that House; and seeing that he held his seat in that House in consequence of what had been done on that occasion, it would be scandalous in him (Mr. Bright) if he did not in every way give his support to the proposition for the admission of Baron de Rothschild to his seat in that House.

Mr. GOULBURN said, that the hon. Gentleman the Member for Manchester had, no doubt unintentionally, mis-stated the facts with regard to the admission of Mr. Pease, and it was right that the House should know on what grounds it proceeded on that occasion. It proceeded by referring the matter to a Committee, and that Committee finding that there was a statute which allowed Quakers to make an affirmation, and that the words relating to the defending of the Queen and the succession were omitted from the original Act of Parliament, which allowed the Quakers to make affirmation, the Committee reported in favour of the admission of Mr. Pease. But it was quite wrong to suppose that the Committee sanctioned the omission of any words but what were omitted in the Act of Parliament.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 163; Noes 101: Majority 62.

Main Question put.

The House divided:—Ayes 166; Noes 92: Majority 74.

List of the AYES.

Acland, Sir T. D.
Adair, R. A. S.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Ashley, Lord
Bagot, hon. W.
Bailey, J.
Baines, rt. hon. M. T.
Baldock, E. H.
Bankes, G.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Beresford, W.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Brown, H.
Buller, Sir J. Y.
Bunbury, E. H.
Burrell, Sir C. M.
Buxton, Sir E. N.
Cabbell, B. B.
Cavendish, hon. C. C.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Childers, J. W.
Christy, S.
Clements, hon. C. S.
Clive, H. B.
Cockburn, A. J. E.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Coles, H. B.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Cowper, hon. W. F.
Cubitt, W.
Currie, H.
Davies, D. A. S.
Dick, Q.
Dickson, S.
Dodd, G.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
East, Sir J. B.
Ebrington, Visct.
Egerton, W. T.
Elliot, hon. J. E.
Farnham, E. B.
Ferguson, Sir R. A.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Gordon, Adm.
Goulburn, rt. hon. H.
Granby, Marq. of
Grogan, E.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Hatchell, J.
Headlam, T. E.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hope, A.
Hornby, J.
Hotham, Lord
Inglis, Sir R. H.
Jermyn, Earl
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, Col.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lewis, G. C.
Lindsay, hon. Col.
Lockhart, A. E.
Lowther, H.
Lygon, hon. Gen.
Manners, Lord G.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Moore, G. H.
Morgan, O.
Mostyn, hon. E. M. L.
Mullings, J. R.
Naas, Lord
Napier, J.
Newdegate, C. N.
Nicholl, rt. hon. J.
Nugent, Sir P.
Owen, Sir J.
Packe, C. W.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Peel, Col.
Pelham, hon. D. A.
Pigott, F.
Plowden, W. H. C.
Prime, R.
Raphael, A.
Reid, Col.
Ricardo, O.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Sandars, G.
Seaham, Visct.
Shelburne, Earl of
Sibthorp, Col.
Simeon, J.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Taylor, T. E.
Tenison, E. K.
Thesiger, Sir F.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Wellesley, Lord C.
Williams, T. P.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Worcester, Marq. of
Yorke, hon. E. T.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the NOES.

Aglionby, H. A.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Barron, Sir H. W.
Bass, M. T.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Carter, J. B.
Clay, Sir W.
Cobden, R.
Collins, W.
Crawford, W. S.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C.
Disraeli, B.
Duke, Sir J.
Duncan, G.
Evans, Sir De L.
Forster, M.
Fortescue, C.
Fox, W. J.
French, F.
Gaskell, J. M.
Grace, O. D. J.
Greene, J.
Grey, R. W.
Hall, Sir B.
Harris, R.
Higgins, G. G. O.
Hindley, C.
Hume, J.
Humphery, Ald.
Hutchins, E. J.
Hutt, W.
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
Mahon, The O'Gorman
Mangles, R. D.
Manners, Lord J.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Norreys, Sir D. J.
Nugent, Lord
O'Connell, M. J.
Ogle, S. C. H.
Osborne, R.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Salwey, Col.
Scholefield, W.
Scully, F.
Sheil, rt. hon. R. L.
Sidney, Ald.
Smith, rt. hon. R. V.

Somers, J. P.
Spearman, H. J.
Stanley, hon. W. O.
Stuart, Lord D.
Stuart, Lord J.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Thornely, T.
Tyrell, Sir J. T.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Watkins, Col. L.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, M.
Wyvill, M.

TELLERS.

Wood, W. P.
Smith, J. A.

Resolved—

"That the Baron Lionel Nathan de Rothschild is not entitled to vote in this House, or to sit in this House during any debate, until he shall take the Oath of Abjuration in the form appointed by Law."

Mr. V. SMITH hoped, after what had fallen from the hon. and learned Attorney General in the course of the debate, that the oath of abjuration would be speedily taken into consideration by Her Majesty's Ministers, and so framed or amended that hon. Members on taking it would in reality understand and know what they were subscribing to.

Lord J. RUSSELL said, that before he replied to the observations of his right hon. Friend, he would take that opportunity of saying, that as the House sat so late (half-past four o'clock), it would be the most convenient course if it continued to sit on until after the commission, and then adjourn for two hours. In answer to his right hon. Friend, he begged to say that the discussions which had taken place had brought most prominently in view the real difficulties which stood in the way of a Jew taking the oaths required to be taken by hon. Gentlemen on being admitted Members. These difficulties resolved themselves into this, that the House approved of the mode of swearing on the Old Testament. A Jew had no objection to taking the oath of allegiance or the oath of supremacy; and the only point on which an obstacle had arisen occurred in the latter part of the oath of abjuration. That being the only matter objectionable to an individual who had been twice elected to sit in that House, it was desirable that it should be considered distinctly and of itself. He admitted the correctness of the objections of his right hon. Friend with regard to the provisions of the other oaths. The oath of supremacy was founded on apprehended danger to the Crown, according to the belief held in the reign of Elizabeth, and was framed against such dangers as existed in the reign of Anne and George I.; but the wording of the oath did not apply to the present day. It was a matter deserving the consideration of the House; and, consequently, should not be mixed up with the variety of discussions, as well as matters discussed, that had of late occupied the attention of the House. It was a question of much importance, and the electors of the city of London regarding it in that light, he would, therefore, regret very much if its consideration should be mixed up with that given to any other question.

Mr. GOULBURN said, that whether they passed the resolutions then submitted to them or not, a time would come next Session when they would have full opportunity of stating their opinions on the matter. For his part he should enter his protest against the resolutions, not merely against the admission of Jews to that House, but also against the declaration of consideration in the next Session. He had sat many years in Parliament, and it had been his misfortune to hear that House pledge itself to the consideration of matters in the succeeding Session, and then falsify that pledge, by leaving the very matters in the same position as they were in which it found them on recording the pledge. For instance, there was the Roman Catholic question, which, Session after Session, was to have been taken up; but the determination was generally rendered abortive. He therefore thought that without adopting the resolutions then before them, every Member of the House would be at full liberty to pursue, in the next Session, whatever course he might think proper. He thought it impolitic to enter into the pledge required by the resolutions; and he also protested against the propriety of altering the law to facilitate the admission of Jews to Parliament, reserving to himself the right of stating his reasons on the fitting opportunity.

Mr. BRIGHT agreed with much that fell from the right hon. Gentleman; but he looked on these resolutions more with regard to their hold on the Government, than he did to their hold on that House. He therefore wanted to know from the noble Lord at the head of the Ministry, for the satisfaction of the public in general, and of the constituency of the city of London in particular, if the Government as a Government intended to take up this question of the admission to Parliament of Jews, and if they were prepared to stand or fall by the issue of the question? For his part, he would not give the snap of a finger for the resolutions unless the noble Lord at the head of the Government understood them in that sense.

Mr. HUME did not see any use in the resolution after the intimation of the hon. and learned Solicitor General that the words in particular question were of the substance of the oath, and not merely of the form. The resolution had reference only to the form of the oath. Now the Amendment he had proposed regarded both the substance and the form of the oath.

The ATTORNEY GENERAL said, there were three requisites to be observed in the oaths, namely, the substance, the form of words, and the manner of taking. It was the form of words that excluded the hon. Gentleman the Member for the city of London from taking his seat in that House; and therefore he (the Attorney General) was desirous of altering that form of words in the next Session, for which purpose he introduced his resolutions, which were then before them.

Motion made, and Question put—

> "That this House will, at the earliest opportunity in the next Session of Parliament, take into its serious consideration the form of the Oath of Abjuration, with a view to relieve Her Majesty's Subjects professing the Jewish Religion."

The House divided:—Ayes 142; Noes 106: Majority 36.

List of the Ayes.

Adair, R. A. S.
Aglionby, H. A.
Anderson, A.
Anson, hon. Col.
Anstey, T. C.
Armstrong, Sir A.
Arundel and Surrey, Earl of
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Barron, Sir H. W.
Bass, M. T.
Bellew, R. M.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Buxton, Sir E. N.
Carter, J. B.
Cavendish, hon. C. C.
Childers, J. W.
Clements, hon. C. S.
Cobden, R.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Collins, W.
Cowper, hon. W. F.
Crawford, W. S.
Cubitt, W.
Dawson, hon. T. V.
D'Eyncourt, rt. hon. C. T.
Dodd, G.
Douglas, Sir C. E.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, Sir De L.
Ferguson, Sir R. A.
Forster, M.
Fortescue, C.
Fox, W. J.
Freestun, Col.
Gaskell, J. M.
Grace, O. D. J.
Greene, J.
Grey, R. W.
Hall, Sir B.
Harris, R.
Hatchell, J.
Headlam, T. E.
Higgins, G. G. O.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hume, J.
Hutchins, E. J.
Hutt, W.
Jermyn, Earl
Keating, R.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
Mahon, The O'Gorman
Mangles, R. D.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Nugent, Sir P.
O'Brien, Sir T.
O'Connell, M. J.
Ogle, S. C. H.
Osborne, R.
Owen, Sir J.
Paget, Lord G.
Palmerston, Visct.
Parker, J.
Pelham hon. D. G.
Pigott, F.
Pilkington, J.
Pinney, W.
Power, Dr.
Price, Sir R.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Robartes, T. J. A.
Roche, E. B.
Roebuck, J. A.
Romilly, Col.
Romilly, Sir J.
Russell, Lord J.
Salwey, Col.
Sandars, G.
Scholefield, W.
Scully, F.
Sheil, rt. hon. R. L.
Sidney, Ald.
Smith, rt. hon. R. V.
Smith, J. A.
Somerville, rt. hn. Sir W.
Spearman, H. J.
Stanley, hon. W. O.
Stuart, Lord D.
Stuart, Lord J.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Thornely, T.
Villiers, hon. C.
Wakley, T.
Walmsley, Sir J.
Watkins, Col. L.
Westhead, J. P. B.
Willcox, B. M.
Williams, J.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyvill, M.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Acland, Sir T. D.
Arkwright, G.
Bagot, hon. W.
Bailey, J.
Baldock, E. H.
Bankes, G.
Blackstone, W. S.
Blakemore, R.
Boldero, H. G.
Booth, Sir R. G.
Bowles, Adm.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brooke, Sir A. B.
Brown, H.
Buller, Sir J. Y.
Burrell, Sir C. M.
Cabbell, B. B.
Chandos, Marq. of
Chatterton, Col.
Chichester, Lord J. L.
Christy, S.
Clive, H. B.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Currie, H.
Davies, D. A. S.
Dick, Q.
Dickson, S.
Disraeli, B.
Duckworth, Sir J. T. B.
East, Sir J. B.
Egerton, W. T.
Farnham, E. B.
Forester, hon. G. C. W.
Frewen, C. H.
Fuller, A. E.
Goddard, A. L.
Gordon, Adm.
Goulburn, rt. hon. H.
Granby, Marq. of.
Grogan, E.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, G. A.
Hamilton, Lord C.
Henley, J. W.
Hildyard, R. C.
Hope, A.
Hornby, J.

Hotham, Lord
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Lennox, Lord A. G.
Lennox, Lord H. G.
Lindsay, hon. Col.
Lockhart, A. E.
Lowther, H.
Lygon, hon. Gen.
Manners, Lord G.
Manners, Lord J.
Morgan, O.
Mullings, J. R.
Naas, Lord
Napier, J.
Newdegate, C. N.
Packe, C. W.
Patten, J. W.
Peel, Col.
Plowden, W. H. C.
Prime, R.
Pugh, D.
Raphael, A.
Reid, Col.
Seaham, Visct.
Sibthorp, Col.
Simeon, J.
Somerton, Visct.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Stuart, H.
Stuart, J.
Taylor, T. E.
Thesiger, Sir F.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Tyrell, Sir J. T.
Waddington, H. S.
Walpole, S. H.
Wellesley, Lord C.
Williams, T. P.
Willoughby, Sir H.
Worcester, Marq. of
Yorke, hon. E. T.

TELLERS.
Beresford, W.
Vyse, R. H.

Resolved—

> "That this House will, at the earliest opportunity in the next Session of Parliament, take into its serious consideration the form of the Oath of Abjuration, with a view to relieve Her Majesty's Subjects professing the Jewish Religion."

DIFFERENTIAL DUTIES ON BRITISH SHIPPING IN THE PORTS OF SPAIN.

Mr. ANDERSON begged permission to make an observation in explanation of a question which he was about to put to the noble Lord the Secretary of State for Foreign Affairs, relative to a matter which he considered to be of much importance to the shipping and commercial interests of this country—namely, the differential duties levied on British shipping in the ports of Spain. It was surely high time now to take some measures to compel Spain to adopt a more equitable course of policy in regard to our shipping, than that in which she had persisted for about twenty-five years; and it was his (Mr. Anderson's) intention to have brought this subject fully under the consideration of the House pursuant to the notice which he had given. Like many other independent Members, however, he had never been able to obtain a suitable opportunity, and at this late period of the Session it was in vain to expect it. He should, therefore, take some other means of bringing it under public notice, and would now only beg to ask the noble Lord the Secretary of State for Foreign Affairs whether he would have any objection to lay on the table of the House a copy of any correspondence which he may have had with the Spanish Government, relative to the differential duties levied on British shipping in the ports of Spain? And whether it is the intention of Her Majesty's Government, in the event of British shipping continuing to be subjected to these differential duties, to put in force the provisions of the Act of last Session for repealing the Navigation Laws, by levying differential duties on the ships of Spain in the ports of this kingdom and its dependencies?

Viscount PALMERSTON said, that the question was one which had engaged for many years the attention of Her Majesty's Government, and many communications had passed between it and the Government of Spain on the subject, but hitherto without any satisfactory result. Those communications had been necessarily suspended during the interruption of diplomatic relations between the two countries, but would now be resumed; and in the present state of the negotiations it would not be advisable to lay the correspondence before the House. In the event of the Spanish Government not agreeing to equalise the duties, or to place British upon the same footing as Spanish vessels, it would also be unadvisable to state what course Her Majesty's Government in its discretion might think fit to pursue.

Mr. ANDERSON then said, that at the beginning of next Session of Parliament he should move the following resolution on the subject:—

> "That the ships of Spain having since the year 1824 been permitted to import goods the produce or manufacture of Spain into the ports of the United Kingdom, at the same rates of duty as British ships, and since the 1st of January, 1850, the carrying trade of the United Kingdom and its dependencies to and from all other countries having been opened to Spanish vessels on the same terms as to British vessels—whereas, during the whole of these periods higher rates of duties have been, and continue to be, levied on goods when imported into or exported from Spain and its dependencies in British vessels than in Spanish vessels, to the great detriment of British shipowners and the obstruction of trade, a humble Address be presented to Her Majesty, praying that Her Majesty will be graciously pleased, in virtue of the power vested in Her by Act 12 & 13 Vict., cap. 29, to cause such rates of duty to be levied on the importation or exportation of goods in Spanish vessels at the ports of the United Kingdom and its dependencies as may serve to countervail the differential duties levied in the ports of Spain on British vessels."

STAMP DUTIES (No. 2) BILL.

The House then went into Committee on this Bill.

MR. HENLEY wished the right hon. Gentleman the Chancellor of the Exchequer to state what alterations he had made in the Bill.

The CHANCELLOR OF THE EXCHEQUER said, that he thought the more convenient course would be that he should state the alterations when he came to the schedule. He stated it the last time, and they got into interminable confusion, the clauses and the schedules were so totally distinct. At the same time, if it was convenient to the House, he would state it now. The first alteration that he proposed was, that the Act should take effect from the 10th of October instead of the 5th of July.

Clauses 1 to 6 agreed to.

Clause 7.

MR. MULLINGS proposed to insert the word "fraudulently." He thought if this word were not inserted, innocent persons might be made to suffer. The Crown would still have the power of calling on the parties liable to the duty. It would be a very hard case to make a solicitor a Crown debtor when after he had received the money he was served with a notice countermanding the directions to pay the stamp duty.

The CHANCELLOR OF THE EXCHEQUER said, this clause stood exactly as it passed in the former Bills. The point was raised and discussed, and it was settled that it should pass as it stood now. It was intended to meet the case of a party paying money over to a solicitor, and the solicitor detaining the money. It was perfectly true that the Crown had a remedy against the party, and in order not to be defrauded of the duty the Crown exercised that power, and the consequence was that the innocent party was called on to pay twice over. Now the attorney might, when he obtained the money, intend to pay it for the purpose intended, and if the word "fraudulently" were in the Bill, it might throw a difficulty in the way.

MR. MULLINGS said, it was in consequence of what took place on the last occasion that his attention was drawn to the point. The right hon. Gentleman had not taken into consideration the case of executors and administrators. There might be a dispute about a residue, and they might not choose to pay it over till they saw whether there were any of these claims. Having a remedy against the party, he thought they ought not to make a third party liable unless there was clear fraud.

The ATTORNEY GENERAL said, the word "fraudulent" that it was proposed to introduce was really not desirable. The object was to make the person liable who had received the money and not paid it over. It not unfrequently happened that after the lapse of a great number of years the Stamp Office proceeded against the person who was originally liable for the stamp duty, the legacy and probate duty, which the party believed had been paid, because an account of it had been delivered in his solicitor's bill. He had seen no solicitor of respectability, no solicitor at all, who objected to the clause giving the remedy against the solicitor. But if they put in the word "fraudulent," the effect would be this: The solicitor received the money with the intention nine times out of ten of paying it over, but he retains it perhaps till the next day, and then some payments come due in his office, and he makes use of the money. After a little time it becomes inconvenient to pay over the money, and after a little further time it becomes impossible. But they could not say that was fraudulent. What they wanted was, that the party who received the money should be made liable, but the introduction of the word "fraudulent" would defeat the object.

MR. HENLEY said, the word "improperly" might be inserted. As the clause stood, the mere omission for an hour to pay over the duty made a man a Crown debtor.

The ATTORNEY GENERAL should not object to the word "improperly," but he thought the clause would be better without it, because an attorney who received the money was a Crown debtor if he neglected for an hour to pay the money over. You paid your solicitor 1,000*l.* to pay probate duty, and the moment he received it he was a Crown debtor. That was a right state of things; he knew his responsibility when he received the money; and, therefore, he did not think that the word "improperly" would suit, because it would not be "improperly" till a reasonable time had elapsed.

MR. HENLEY said, the position of an attorney of large business, who might receive money every day in the week, would be this—that he would be constantly a Crown debtor, and could not convey an estate. He thought the word "improperly" ought to be inserted.

The ATTORNEY GENERAL said, that the insertion of the word "improperly" would be destructive of the effect of the clause. It was proper that he should mention that the seller would not be debtor to the Crown until it was found by inquisition. The Barons of the Exchequer would not allow that until it was found by inquisition.

Mr. WALPOLE: Here by Act of Parliament you are making him a Crown debtor.

Amendment, by leave, withdrawn.

Clause agreed to.

Clause 8.

Mr. MULLINGS said, that the clause provided that where the transfer of a mortgage with a further advance of money should be made by the person originally borrowing, then the duty should be the same as on the original mortgage. He proposed an Amendment to correct that. He thought it a hardship, if a person owed a sum of money, the party being doubtful whether the security would be enough to cover the sum, he went to a person and said, "Join me in the security," that he was to be subject to another duty.

The ATTORNEY GENERAL said, that it was, in fact, a new transaction and a new mortgage. He admitted that cases of this description ran into very fine distinctions, but this way of acting was only an evasion of the tax. Where a new person was brought in to give new security, that was a fresh arrangement of money. He thought the proposal of the hon. Member for Cirencester was not admissible in this clause.

Mr. CARDWELL said, that, as far as he had heard the argument of the hon. and learned Attorney General, he thought that every transfer of a mortgage might be made out to be a new transaction—every time a man received money from A to pay off B.

Mr. WALPOLE said, that the principle was, that where there was one loan of money, and only one loan of money, only one duty should be paid.

The CHANCELLOR of the EXCHEQUER: Yes, if all transactions were really honest. The object of this clause was to prevent the evasion of the duty in a case in which a perfectly new security was given.

Mr. MULLINGS said, that all the solicitors were constantly falling into the mistake of not putting on an additional stamp. Securities had frequently been bad in consequence of that. There was no part of the Stamp Act which had led to so much litigation and difficulty as the clause on this subject.

The ATTORNEY GENERAL maintained that there could be no question about the construction of this clause. It was necessary, whenever taxes were imposed, to provide against various attempts at evasion. Not only was the law constantly evaded, but courts of law had determined that every mode by which you could evade was not only not fraudulent, but it was proper and right. He submitted that the clause was distinct and clear, and hoped that the Committee would abide by the clause as it now stood. The great object of conveyancers and solicitors was how they could avoid the Stamp Acts, and their utmost ingenuity was constantly exercised for the purpose of evading them. His hon. Friend was aware of that of which he was now speaking, and he had exerted his ingenuity and power of mind successfully for the purpose of evading the Stamp Acts.

The CHANCELLOR of the EXCHEQUER promised to undertake to consider the matter, and the Amendment was withdrawn.

Clause agreed to.

Clause 9.

Mr. MULLINGS said, that he had no Amendment to propose, but he wished to call the attention of the House to the fact that at present it was the practice of the Stamp Office to affix a stamp to a deed six weeks after the date of execution. By the clause now before the Committee, a penalty of 10*l.* was imposed if the deed or instrument was executed before the proper stamp was affixed; but he had been assured at the Stamp Office, in the presence of the right hon. Gentleman, that it was not intended to depart from the established practice. For the information of the public, however, he wished to have that pledge repeated by the right hon. Gentleman.

The CHANCELLOR of the EXCHEQUER said, that it was not intended to make the slightest alteration in the present practice.

Clause agreed to, as were also the remaining clauses.

The CHANCELLOR of the EXCHEQUER then said, that before the Committee took into consideration the schedule of the Bill, he wished to state that there was one great alteration which he proposed to make as to the duty on conveyances. The House might remember that when he first brought forward this Stamp Bill, he stated his opinion that it was desirable to give relief in the way of a reduction of duty, rather more in cases of transfers than of mortgages. When the House, however, came to deal with the subject of mortgages, they voted to reduce the duty on mortgages to a very considerable amount; and, he must add, to a most inconvenient amount in all ways, which put him under the necessity of withdrawing that Bill, and submitting new resolutions to the House. In those new resolutions, to which no objection was taken, the duty on mortgages was raised to a small extent above that which the House had voted, the opinion being by that time pretty general that their former conclusion was rather ill-considered. He apprehended that all parties were now agreed that the duty on mortgages should be charged at a uniform rate per cent. He found, however, that the loss by this arrangement was such that it was impossible for him to give the full extent of the boon which he had intended on transfers and conveyances, and therefore he had been obliged to raise the duty to a uniform charge of 1 per cent throughout. One of the first results of that was to bring to his knowledge a way of avoiding the full duty on the transfer of railway shares, which was believed to affect the revenue to a very considerable extent. According to the existing law, the duty on the transfer of 1,000*l.* would be 12*l.*; but he found that, by a process of dividing the amounts, the parties transferring the property would get off with the payment of 6*l.* 10*s.* Thus, by making three transfers, two of 499*l.* each, and one of 3*l.*, they would pay but 3*l.* duty for each sum under 500*l.*, and 10*s.* for the 3*l.*, while honest people would pay 12*l.* [Mr. MULLINGS: Foolish people!] Well, he would not dispute that point. At the time when he brought forward his original proposition, it was early in the Session, and he was not very confident of what the probable amount of the revenue would be. He was happy, however, to say, that the prospects of the revenue had greatly improved; and as this Bill would not come into force before the 10th October, the Act would only be in operation during the first half of the present financial year. He proposed to reduce the duty on all conveyances to one-half per cent instead of 1 per cent, which was paid at present. He calculated the loss which would arise to the revenue when the whole Bill came into operation would be 500,000*l.* The Act would take effect on the 10th of October, and with the loss which had been sustained on the past quarter as well as the present, which he also took at 40,000*l.*, there would be a probable loss on the whole of the present financial year of 330,000*l.* He had been assured that it was probable the surplus revenue would be greater than he had calculated in March last, when he had stated it would probably be 1,547,000*l.* From this must be deducted the brick duty, amounting to 456,000*l.*, and the loss which would arise from the stamp duties, which would leave him 760,000*l.* Then there was 200,000*l.* to be deducted, which had been applied to the purchase of the equivalent duty. He apprehended, from the present state of things, he should be about 11,000*l.* better off than he had supposed on the former occasion. With this rise in the revenue, and with every probability of its going on, he regretted that he had hitherto not been able to lay the balance-sheet on the table, but he hoped it would be ready in a few days. He had evaded the Amendment of his hon. Friend the Member for Evesham by proposing that half per cent should be substituted in the Bill for 1 per cent; and he trusted the course he had pursued would give satisfaction. Hon. Gentlemen who had defeated him on two subjects must allow him to say, that if the House had persisted in repealing the duties on attorneys' certificates, and reducing that on Irish spirits, he should not have been able to have made this reduction in the stamp duties. He believed this would be an infinitely greater boon to the attorneys and solicitors than removing the certificate duty. He hoped he might be allowed to say that he had done for that class by his measure more than they proposed to do for themselves. He also proposed that when there were several covenants annexed to a deed, they should be considered as part of such deed, and that there should be a progressive duty of half per cent on deeds or certificates, as if they were followers.

SIR H. WILLOUGHBY wished to know whether the duty on lands was to go on without any maximum being stated. At present it was 25,000*l.*; and apparently, from the schedule, it might go on to the largest amount.

The CHANCELLOR OF THE EXCHEQUER thought it was only fair that large properties should pay in proportion to small properties. He thought his proposal was very fair, and he could not see why large amounts of property should not be equally taxed as well as all other kinds.

Mr. W. BROWN was glad to find that the right hon. Gentleman the Chancellor of the Exchequer had regulated his duties on this principle. He could see no valid objection to the *ad valorem* principle, and he therefore hoped the Bill would pass.

Mr. HENLEY also approved of the *ad valorem* principle. He hoped it would be extended to the stamps on bills of exchange, in which the smaller class of traders largely dealt.

Mr. CARDWELL said, he had presented petitions some time ago from some of his constituents, whose dealings were with very large sums of money; but he was glad most of their objections had been met by alterations made in the Bill. He was glad an *ad valorem* duty had been adopted. He hoped the right hon. Gentleman would not persist in exacting the highest sum named in transactions of persons who were not now in a very flourishing condition. The right hon. Gentleman, in his financial statement, said that the loss by the operation of this Bill in the two last quarters of the year would be 330,000*l.*, and that still there would be a balance left in the Exchequer, after all deductions, of 760,000*l.* The right hon. Gentleman now said that he was going to lose by this Bill upwards of 300,000*l.*, and that notwithstanding this deduction from the sums paid into the Exchequer, he should have the same balance in the Exchequer.

The CHANCELLOR of the EXCHEQUER said, he calculated the whole amount of surplus revenue at 1,500,000*l.*, and he had given away 450,000*l.* on the brick duty, and 300,000*l.* on stamps. He had stated now that the amount of the whole of the deduction of the stamp duties would not be charged for the whole of the year, because the Bill would not come into operation until the 10th of October; therefore he believed that he should only lose 250,000*l.* The loss on the last quarter was 40,000*l.*, and he believed there would be about the same loss in the present one.

Mr. CARDWELL thought the right hon. Gentleman, with all submission, stood where he did before. The right hon. Gentleman, when he first introduced the subject, said the actual loss on stamps would be 300,000*l.*, and 400,000*l.* from the brick duty; and he calculated the ultimate result would be to leave a balance of 750,000*l.* in the Exchequer. He now said that some further loss would accrue from the recent changes he had made in this Bill, and yet he seemed to consider that he thought he should have to put the same balance on the 5th of April as he had mentioned in his financial statement. He could not help reminding the House that they were dealing not with duties which came before them every year, but with provisions of permanent Acts of Parliament. He was glad the alterations had been made in the Bill, snd should give his support to it.

Mr. MULLINGS could not agree with the Chancellor of the Exchequer as to the amount of the loss which the Exchequer would sustain by these changes. He believed there would be a large increase in the number of transactions, and there would also be an increase in deeds for larger sums.

Schedules agreed to. Additional clauses added.

Mr. MULLINGS moved a clause to the effect that it should be in the power of any Judge at law or equity, where a document was insufficiently stamped, to receive it, if he should think fit, in evidence, but subject to such further stamp as would make it sufficient, and that no steps could be taken till the party paid the stamp duty, and that the document should not be available in any other suit till the proper stamp duty was attached. The Court of Chancery at present made orders subject to the payment of the stamp duty, and he wished that the same principle might be extended to the courts of law, for he had known cases of great hardship arising from the circumstance that a document was not sufficiently stamped, although it was evident that the insufficiency of the stamp arose from the ignorance of the party.

The ATTORNEY GENERAL objected to the clause, because if they were to raise the revenue at all, by means of a Stamp Act, it was clearly inadmissible. It was true that the Court of Chancery allowed questions to stand over till the proper stamp was affixed to a document, where it was not sufficient. The consequence was, that the objection of the insufficiency of the stamp was seldom urged. If a court of law could do the same thing, the consequence would be that the objection would not be taken, and parties would not affix the stamp at all to the document. It was certainly difficult in some cases to know what the proper stamp was; but they endeavoured to provide for that case, by giving the parties an opportunity of ascertaining what the proper stamp was. If the hon. Gentleman's clause were agreed to, he was afraid it would be attended with a large defalcation in the revenue.

Mr. MULLINGS said, he did not refer to documents which were not stamped at all, but to documents which were insufficiently stamped.

Clause brought up, and read 1°.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee divided: — Ayes 50; Noes 111: Majority 61.

House resumed.

Bill reported; as amended, to be considered To-morrow, and to be printed.

CUSTOMS BILL.

The House went into Committee on this Bill.

Clause 1 agreed to.

Clause 2.

Sir J. GRAHAM called the attention of the Committee to a clause which he could hardly believe he rightly comprehended; but if he did, he wished the right hon. Gentleman the Chancellor of the Exchequer to explain why such a clause was necessary. The effect of the clause was to provide that all rules, regulations, and orders made by the Board of Customs in conformity with Acts which had been repealed should still be considered valid; and, further, that power was given to the Board of Customs to vary and alter those rules, regulations, and orders; nor did the clause stop there, but it went on to empower the Board of Customs to make new rules, regulations, and orders, in lieu of those which were framed in accordance with Acts which were no longer in existence.

The CHANCELLOR of the EXCHEQUER said, there was a considerable number of rules, regulations, and orders, all of which were made in clear conformity with the Acts then existing, and these Acts formed a tolerably thick octavo volume. Some of these Acts had since been repealed, and doubts had been raised as to the validity of the regulations framed in accordance with them, though it was clear that when Parliament repealed the Acts, it did not mean to touch the regulations. To remove these doubts—very slight ones as they appeared to him—was the object of the clause.

Sir J. GRAHAM said, the right hon. Gentleman had explained one point—he must say not very satisfactorily—with respect to the regulations now existing. But the clause took two steps further, for it gave the Board of Customs power both to vary the regulations and to substitute new regulations for such of them as they might think proper, without these new regulations coming under the sanction or cognisance of Parliament.

The CHANCELLOR of the EXCHEQUER: The Board will only exercise these powers in accordance with the Acts of Parliament.

Mr. HUME said, that the Acts upon which these powers were originally formed having been rescinded, he did not think that any power should be given to the Commissioners which properly belonged to that House. He only knew of one case in which such power had been given, and this was the case of the Poor Law Commissioners. Great dissatisfaction was expressed at the time this power was given. He could not understand how such powers could be given to any body but the House of Commons.

The CHANCELLOR of the EXCHEQUER said, that these powers, of which the hon. Member for Montrose complained as almost unheard-of, had been in actual operation for 150 years, and through them the whole business of the country was conducted. They had been varied from time to time to suit the convenience of the transaction of business, and they were always made in conformity with the Act of Parliament.

Mr. HUME said, that the rules were going beyond the powers conferred on the Board by the Acts of Parliament.

Sir J. GRAHAM said, that if the Commissioners at present possessed the power of making rules and orders from time to time, the clause was superfluous.

The CHANCELLOR of the EXCHEQUER said, the Commissioners had the power of issuing the regulations in nine cases out of ten.

The ATTORNEY GENERAL read clauses in some of the existing Acts, authorising the Commissioners to make regulations for the purposes therein stated. It was expedient to give general power to make regulations for managing the business of the Customs, instead of a series of independent powers in each particular Act. The Commissioners never possessed any such powers as would have enabled them to add to the duties. The present Bill would not give them any such powers, and he thought it only reasonable that the clause should be allowed to remain as it stood.

Sir J. GRAHAM said, that the Acts to which the hon. and learned Attorney General had referred were statutes which gave a limited power; whereas the step now proposed to be taken would be a step in advance. It would be one from limited to unlimited power; and he could not see the necessity for it.

Mr. CARDWELL said, that the hon. and learned Attorney General was by no means happy in his quotation of statutes. If the hon. and learned Gentleman thought that the possession of such powers on the part of the Commissioners of Customs would be submitted to by the great body of the mercantile classes in the country, he read a very different lesson from that which he (Mr. Cardwell) was taught by the communications which daily reached him. He protested against their now, at the close of a Session, enacting that the Board of Customs should have power, by the mere regulations which they issued, to give vitality to Acts of Parliament already repealed.

Mr. R. C. HILDYARD wished to call the attention of the Committee to the circumstance that this proposed power of making regulations would enable the Board of Customs to put into operation Acts already null and void; the House, therefore, did not know what sort of measures they were calling into existence by this proceeding, and he hoped, therefore, that the Committee would consider what they were about before they proceeded to legislate to such an extent.

Mr. MITCHELL hoped the Chancellor would withdraw this clause, which he could not help connecting with certain proceedings which had recently taken place in the city of London. For the last three or four months, the City had been scandalised by the most arbitrary conduct of the Board of Customs. That conduct was now about to be tested—the matter was *pendente lite*, and he hoped the House would not grant additional powers to the Board at a time when almost every merchant in London was up in arms against its authority.

Mr. T. EGERTON said, that throughout the manufacturing districts a series of complaints were raised against the course taken by the Board of Customs; and he felt that any proposal for conferring on them extraordinary powers of the kind contained in that clause would meet with very general disapprobation in those districts.

Mr. G. HUDSON hoped the House would be cautious with regard to this clause. The inhabitants of Sunderland, after constructing a large dock, were prevented from using it by the Lords of the Treasury.

Mr. CLAY said, his constituents, the inhabitants of Hull, looked upon the Board of Customs as the very last board in the kingdom which should be trusted with additional powers. He trusted the right hon. Gentleman would withdraw the clause.

The CHANCELLOR of the EXCHEQUER said, there were two distinct parts of this clause. He had not the least objection to give up the second part; but he thought great inconvenience might arise from the omission of the first. He was perfectly willing to give up what the right hon. Gentleman the Member for Ripon called the general power.

Sir J. GRAHAM said, his objection certainly applied with most force to the latter part of the clause; but he thought the former required alteration. He would suggest to the right hon. Gentleman to postpone the clause, and bring it up on the report in an amended form.

The CHANCELLOR of the EXCHEQUER said, he had no wish to press the clause upon that occasion. He was sorry to have to state, that in consequence of the illness of his right hon. Friend at the head of the Board of Customs, he had not been able to communicate with him upon that subject.

Clause postponed.

Clause 3 agreed to; as were Clauses 4 to 22 inclusive.

Clause 23.

Mr. ANDERSON proposed an Amendment to the Clause, to the effect that the inhabitants of the Orkney and Shetland Islands should be allowed to import wool for their own use duty free, under such restrictions and regulations as the Treasury might direct. He said, his object was to obtain for these islanders a boon, to which he thought he could prove to the Committee, and to his right hon. Friend the Chancellor of the Exchequer, they were fully entitled. Also, that the granting of such a boon would involve very trifling if any loss to the revenue, and would be subject to no risk of fraud or abuse. The inhabitants of these islands, numbering about 65,000, were for a great portion of the year chiefly employed in the cod, ling, herring, and other fisheries, which formed the staple means of their industry. About 2,500 boats and small vessels were employed in these fisheries, and the construction and repairs of these boats and vessels formed an important branch of the native industry of the islands. Now, it happened unfortunately that the islands produced no wood whatever, and all attempts to grow wood in them had failed, consequently every supply to them of this much necessary and valuable article had to be procured from elsewhere. The wood most suitable for these purposes and the least costly, both for the original price and transit, was the wood of Norway, their former parent country, and the nearest to them. Now as boats and vessels constructed in foreign places can be imported into this kingdom free of any duty, while the raw material for constructing them in this country cannot be imported except on payment of a considerable duty, it will be a natural consequence of such an anomalous course of policy, that the boats and vessels required for the fisheries of these islands will be constructed in Norway, whence they can be navigated to the islands in a few hours, and thus boat building, a most important branch of industry, will be, to a considerable extent, if not entirely, lost to these poor islanders. The hon. Gentleman was proceeding to show how this indulgence to these islanders might be effectually guarded from any risk of abuse, when

The CHAIRMAN stated, that it was not competent for him to move the proposed Amendment, which was a total repeal of duties, without having a previous resolution of the House.

Mr. ANDERSON complained of having been treated not altogether fairly, as it was only that morning that he and other Members were aware of this Bill being introduced, and consequently he had no opportunity of moving a previous resolution.

Remaining clauses agreed to.

House resumed; Bill reported as amended; to be considered To-morrow.

MARLBOROUGH HOUSE BILL.

The House went into Committee on this Bill.

On Clause 1,

Mr. HUME thought that this legislation was premature. More confidence should be exhibited towards Parliament. Besides, the Prince of Wales was only eight years old, and property might suffer various mutations in value before he came of age. There was Hampton Court, which was now used as a sort of barrack for decayed people of quality. He did not see why it should not be appropriated to the residence of the Royal Family. Marlborough-house was used now merely for pictures, and there was no necessity for an Act of Parliament for that. He should take the sense of the Committee on the question of reporting progress. The time had come when, if they wished to promote economy of the public money, they must begin in the highest quarters. There was Kensington Palace and St. James's Palace, of which a whole range was still retained by the King of Hanover. These palaces should be used before grants were required for new establishments. He moved that the Chairman report progress.

Motion made, and Question put, "That the Chairman do now leave the Chair."

The Committee divided:—Ayes 56; Noes 115: Majority 59.

Clause agreed to; as were Clauses 2 and 3.

Clause 4.

Mr. MOWATT moved the adjournment of the House.

Lord J. RUSSELL hoped this Motion would not be persevered in. If these repeated Motions for adjournment were persevered in, it would be impossible to proceed with the public business.

Mr. HUME said, that stables could not be wanted for the young Prince. It seemed to be a mockery to vote money for stables for a Prince who was so young.

Lord J. RUSSELL said, that his noble Friend the Chief Commissioner of Woods and Forests had explained the mode in which the Crown revenues were to be applied. The materials of Carlton-mews would be pulled down, and could be used for the erection of stables in Marlborough-house.

Mr. HUME thought this was the commencement of expense and folly. He told the Government, and he told the public, that if they went on multiplying places in this way, it was a mockery to talk about taking care of the public money.

Mr. MOWATT asked the noble Lord whether these stables were *bonâ fide* stables for live horses, or for rocking-horses?

Amendment withdrawn; Clause agreed to; House resumed.

Bill reported; as amended, to be considered To-morrow.

THE DUKE OF CAMBRIDGE'S, &c., ANNUITY BILL.

Order for Third Reading read.

Bill read 3°.

On the Question that the Bill do pass,

Mr. HUME rose to propose an Amendment. He would move that, instead of 12,000*l.*, the sum proposed to be allotted to the Duke of Cambridge, it should be reduced to 8,000*l.* As 12,000*l.* had been proposed on the plea of the charities which a Royal Duke was expected to give, he would refer to a statement which had been made to him bearing somewhat on the point. It was stated that labourers' wages were down to 8*s.* a week, and that the sum which it was proposed to give to this young man, who held a commission, and who stood in no closer relation to the Queen than cousin, would, at 8*s.* a week, maintain 576 families for a year; multiplying this number 5, it was found that 2,880 persons might be maintained by the money. The salary of the First Lord of the Treasury was 5,000*l.*, that of the Chancellor of the Exchequer was 5,000*l.*, and that of the President of the Board of Trade 2,000*l.*, making altogether 12,000*l.*; and the House was now about to give to this young scion of Royalty a sum equal to the whole of the salaries of those three great officers of the State. Those who supported this measure might think that they were thereby upholding the cause of Royalty, but he could assure them that they were doing everything in their power to injure Royalty. In 1849 the annual amount paid out of the Consolidated Fund for the Queen's Civil List was 385,000*l.*, and pensions under the 1 and 2 Vic., c. 2, 11,600*l.*, making 396,600*l.*, while the pensions to members of the Royal Family amounted in the last year to 249,000*l.*, under the following heards:—King of Hanover, 21,000*l.*; Duke of Cambridge, 27,000*l.*; Duchess of Gloucester, 16,000*l.*; the King of the Belgians, 50,000*l.*; the late Queen Dowager, 75,000*l.*; the Duchess of Kent, 30,000*l.*; and Prince Albert, 30,000*l.* Under the head of Naval and Military Services there were also annual pensions amounting to 215,687*l.*, making a grand total for Civil and Military Pensions, and Grants to Members of the Royal Family, of 464,687*l.* He did think it was high time the country Gentlemen should reflect whether the policy of granting so large a sum for such objects was not most indiscreet, especially when it was known that amidst these extravagant grants, which appeared to be only the beginning of a series of similar pensions, there prevailed great distress among large portions of the population. He would venture to tell them that, should any such circumstances recur in this country as were witnessed in the years 1842 and 1843, when half the population of the kingdom were thrown out of employment, and when distress had driven large masses of the people to acts of violence which it was difficult to stop, the consequences of these extravagant measures would recoil upon them with a vengeance which it would be impossible for them to resist. It was their duty, therefore, to guard against these possible results. Looking at the vast sums appropriated to pensions paid to the descendants of the Earl of Camperdown, Lord Abercromby, Earl Nelson, and a variety of other persons, and which amounted in the whole to not less than 215,000*l.* a year; looking too at the salaries of Her Majesty's Ministers, and other expenses of the country, he could not help thinking that the conduct of the House, in adding to these enormous charges on the resources of the country was most censurable. He was sorry he had not brought down to the House a plate which was published last week in *Punch*. On one side of the plate the noble Lord the First Minister of the Crown was represented standing at a cask, and, with a forbidding countenance, doling out driblets from the spigot to a half-famished public clerk, whose starving family were represented in the corner supplicating the mercy of the noble Lord. This was a fair representation of what was now being done by the Government in reducing to the utmost possible extent the salaries of all the humbler servants of the State. On the other side of the plate the noble Lord was pictured as ministering in the most inviting manner at the bunghole, where the Duke of Cambridge was represented as eagerly receiving into his hat this golden stream of 12,000*l.*; there being in the corner a crowd of Royal pensioners, who were looking on with the most gratified countenances. [An Hon. Member: The King of Hanover.] Yes, the King of Hanover was one of them, and a very excellent likeness of the King it was. It might be supposed that in mentioning this, he (Mr. Hume) was treating the subject with ridicule; but it was one too serious to be dealt with in that manner. When the Royal Family was thus held up to the derision of the public, he must in justice ascribe it to those who encouraged such votes as that which was now under the consideration of the House. They were to blame, not he. He had done all that it was in his power to do to stop this extravagance. He had tried every argument to prevail on the noble Lord not to proceed in this course; and to the country Gentlemen he had also addressed himself; but it had been in vain. Wishing to record his vote against the measure, he should divide the House on the Amendment.

Amendment proposed, in p. 1, *l.* 15, to leave out the sum of "12,000*l.*," and insert the sum of "8,000*l.*," instead thereof.

Colonel SIBTHORP had already recorded his vote in favour of the grant of 12,000*l.*, and he would be glad to do so again. He was as much in favour of economy as the hon. Member for Montrose; but he could not forget who the late Duke of Cambridge was—he could not forget that he was a thorough Englishman, and that he was the descendant of their great and good King the lamented George III. He was old enough to remember that Monarch's love for the Church, the law, and the constitution of England. He could also speak of the benevolence and kindheartedness of the late Duke of Cambridge, than whom a more excellent and more charitable man never lived, and no one had ever left this world more regretted by all classes than he did. This was a noble example to follow, and he did not think the sum proposed was at all too much for the maintenance of the Prince, his son. He had the greatest satisfaction in supporting the vote.

Question put, "That the sum of 12,000*l.* stand part of the Bill."

The House divided:—Ayes 111; Noes 52: Majority 59.

Mr. BRIGHT proposed the adoption of a clause to the effect—That in case the Duke of Cambridge be in receipt of any salary or emolument under the Crown, the amount of such sum shall be deducted from the annuity now granted. The noble Lord at the head of the Government had not on that night said anything with respect to the grant of 12,000*l.*, considering no doubt that he had defended it sufficiently on a former occasion. The defence of it was left to the hon. and gallant Member for Lincoln, who, with characteristic avoidance of everything like logic, said he voted for the grant because the Duke of Cambridge had a good grandfather. Why, the same thing could probably be said of the hon. and gallant Member himself. He also said the Duke of Cambridge was of English blood; and he could have no objection to that; but there was other English blood through the country, and it had a right to be considered. There was no political party in the country in favour of this vote; and he had no doubt that before five years, or perhaps five months, the noble Lord would recommend that certain offices with salaries attached to them should be conferred on the Duke of Cambridge. They were all aware of the enormous sum that was granted to the late Queen Dowager; but he admitted that the circumstances which came to their knowledge since her death, made her stand higher in their estimation than in her lifetime. He thought she would have been as happy with 20,000*l.* a year as with 100,000*l.*, and there were complaints through the country, that while she had that large sum, the people were suffering and discontented. They should take care that those burdens were not added to until they became intolerable, and thus cause the destruction of institutions that were deemed necessary for the public safety. Let them at least arrange that this sum of 12,000*l.* should be the highest sum he was to receive under any circumstances. Many persons in receipt of pensions had allowed those pensions to merge in the emoluments of offices conferred on them, and why not have this principle applied to the Duke of Cambridge?

Another Amendment proposed, in p. 2, l. ult. at the end of the Clause, to add the words—

> "Provided also, that in case the Duke of Cambridge shall at any time be in receipt of any sum or sums of money by way of salary or emolument attached to any office, place, or employment he may hold under the Crown, the whole amount of such sum or sums so received shall be deducted from the Annuity now granted, so long as the said salary or emolument shall be enjoyed, so that the said Duke of Cambridge shall not in any one year receive from the Consolidated Fund and from the Public Revenues more than the sum of 12,000*l.*"

Lord J. RUSSELL objected to the

proviso of the hon. Gentleman, on the ground, that without wishing that any large emolument should be enjoyed by the Duke of Cambridge, he thought it would be most inexpedient to say that whatever his military services might be, and however ready he showed himself to go to any post to which he might be ordered, the House of Commons would take care he should have no remuneration; and that his income should not be increased, although it was held by that House that the Duke of Cambridge should give his services to the country, and employ himself in a manner honourable to himself and useful to his country. The hon. Gentleman had urged arguments which might be pushed to any extent. The hon. Gentleman said that Queen Adelaide had 100,000*l.* a year, and that she might very well have lived on 20,000*l.*; but the argument that her income, if drawn from a suffering people and paid out of the taxes, might have fed 500 or 1,000 labourers at 8*s.* a week, would have been as applicable to 20,000*l.* as to 100,000*l.*; and, if the hon. Gentleman should succeed in his present proposition, it might still be said, why should a Prince of the blood be paid 8,000*l.* a year, which would support so many people? He could give no very logical reason why any particular sum should be paid; but he certainly thought that 8,000*l.* a year might as well be criticised by the hon. Gentleman who proposed the other night 5,000*l.*, or any other Gentleman who proposed 3,000*l.* He believed that the people of this country, so far from making those comparisons and calculations which the hon. Gentleman made, felt an attachment to the Royal blood, and that they were pleased, and not envious, when they saw the Duke of Cambridge performing his duties in a manner becoming his position.

Colonel SIBTHORP hoped the hon. Member for Manchester would look after his operatives as well as the late lamented Duke of Cambridge had looked after the welfare of his fellow creatures.

Question put, "That those words be there added."

The House divided:—Ayes 39; Noes 108: Majority 69.

Bill passed.

The House adjourned at half after One o'clock.

HOUSE OF LORDS,

Tuesday, August 6, 1850.

Minutes.] Public Bills.—1ª Westminster Temporary Bridge; Duke of Cambridge's Annuity.

2ª County Court Extension Act Amendment; Fees (Court of Common Pleas) (No. 2); Poor Relief.

Reported.—Cruelty to Animals (Scotland); Borough Gaols; Excise Sugar and Licences; Commons Inclosure (No. 2).

3ª Borough Bridges; Public Libraries and Museums; Small Tenements Rating; Administration of Justice in Court of Chancery Acts Continuance.

CARRICK-ON-SHANNON UNION—REPORT FROM THE SELECT COMMITTEE.

Lord BEAUMONT laid upon the table the Report of the Select Committee appointed to inquire into a petition of the Board of Guardians of the Union of Carrick-on-Shannon, with Minutes of Evidence, and an Appendix. The noble Lord said, that though the report was the report of the Committee, it contained a good deal which, in his opinion, was not borne out by the evidence—particularly some very severe observations and remarks upon certain officers of the union. A difference of opinion had existed in the Committee on these portions of the report, nor were they in the draft of the report which he as chairman had originally drawn up and submitted to the Committee. Having, however, been added to the draft of the report by the majority, the whole must now be accepted by the House as the report of the Committee. He wished to add, that from what he had seen in this and other Committees, he believed it would be advisable and useful to adopt the practice of the other House, of enabling Committees to report their Minutes of proceedings; and at the commencement of the next Session he should introduce this subject to their Lordships' consideration.

Lord WHARNCLIFFE supported the Motion, and suggested that in future the Committees of their Lordships' House should be allowed a discretion whether to examine witnesses on oath or otherwise, as they might think proper.

The Marquess of LANSDOWNE declined to give any opinion on the merits of this report; but he entirely concurred in the suggestion thrown out by his noble Friend (Lord Beaumont). The practice of the House of Commons would be found extremely advisable, in order to facilitate a perfect comprehension of the subject.

The Motions and Amendments made were recorded, and they ought to be published; and as he was aware of no objection to such a practice, he should be prepared, unless good reasons were shown to the contrary, to give his support to any proposition for introducing a more systematic mode of representing the inquiries conducted by Select Committees. He felt greater doubt as to the suggestion of his noble Friend on the cross bench, for he had heard and found that greater importance was attached by the country at large to the inquiries of the House of Lords than to those of the other House, owing to their being conducted upon oath. He must, therefore, reserve his opinion upon that subject.

Lord MONTEAGLE thought that great reforms might be introduced into the proceedings before their Committees; but this was the first time in which he had ever heard the report of any Select Committee disavowed by its own chairman. As his noble Friend (Lord Beaumont) had taken upon himself to condemn the Committee, he (Lord Monteagle) should inform the House upon what grounds he believed this course had been taken. The Committee was appointed in opposition to the wishes of the Government. They sat laboriously on that Committee; for some days at the commencement the Members of Her Majesty's Government attended the Committee, but afterwards desisted. At the close of the labours of the Committee, the Committee had again the benefit of their attendance, and was rejoiced but surprised to find that it commanded the presence of three Members of the Cabinet. The report, which Lord Beaumont now disavowed was carried on a division by a majority of two to one, and the three Members of the Cabinet, along with Lord Beaumont, were in the minority. He should not have said one word about the non-attendance of Ministers at one time, and their attendance at another, had it not been necessary to sustain the conclusions of the Committee against the observations of Lord Beaumont.

The Earl of MINTO, as one of the Members of that Committee alluded to by the noble Lord, begged to state that he had attended during a great portion of the time that Committee was sitting, and that he had taken a part in all the proceedings, and had heard all the evidence relating to those matters on which he dissented from the majority of the Committee. He entirely concurred in the remarks of his noble Friend the Chairman of the Committee, and he hoped their Lordships would attend rather to the evidence than to the report.

Lord BEAUMONT said, that it was no wonder that his noble Friend (Lord Monteagle) should not be quite correct in his description of the occurrences before this Committee, when he was incorrect in his recollection of what he (Lord Beaumont) had said only three minutes ago. He had laid this report on the table as the report of the Committee, and had not disavowed it as the act of that body. His noble Friend was also quite wrong in accusing him of having thrown a slur upon the report, merely because three Members of the Cabinet had voted against it. He had stated distinctly that though he had differed from some portions, he agreed with other portions of the report. His noble Friend was also wrong in stating that there had only been one division on the report. A division took place at a very early period of the inquiry, as to whether one part of the question ought to be gone into. He thought that it ought not; but his objection was overruled. He then thought that it was their duty to get the best evidence possible on the point. He did all that he could to obtain that evidence, and to preserve the strictest impartiality. A report was afterwards submitted to the Committee, which contained his opinion, founded on the evidence taken before it, but which avoided giving any opinion on those charges against the officers of the union, which were certainly brought, but not proved, by several witnesses. He was ashamed to say that contradiction on contradiction took place among the witnesses examined. False swearing must have been practised to a great extent on one side or the other. There were often the most gross contradictions in the evidence of the same witness. He had, therefore, wholly discarded all such evidence, and formed his opinion on that evidence alone which appeared to him to be unimpeachable. The daring spirit of his noble Friend (Lord Monteagle) went far beyond his (Lord Beaumont's), and at last his noble Friend carried so many Amendments, that he thought the tone and general purport of the report so much changed, that he (Lord Beaumont) declined going the lengths his noble Friend had gone, and protected against the additions to the original draft of the report.

Report to be printed.

THE JUDICIAL PROCEEDINGS OF THE HOUSE.

Lord BROUGHAM: My Lords, I have already stated to your Lordships, that having heard that a violent attack—and slanderous as it is violent—has been made on the judicial proceedings of this House, I felt that it would be my duty to bring that attack under your notice. I should not have mentioned the subject to your Lordships before I read the articles in question, had I not had implicit confidence in the accuracy of the three noble friends who had read them and given me a description of their contents. I have since read the publication to which they referred me, and I now find that the description of it given to me falls considerably short of the truth, and that a more unjustifiable, and I will even add, a more indecent attack on any court of justice, I have never seen in the whole course of my experience. I beg, my Lords, to preface what I am now going to urge with the proposition that it is one thing to comment even with levity, violence, and scurrility on the proceedings of this House in its political, ministerial, or legislative capacity, and that it is another thing so to comment on its proceedings when it sits in its capacity as a high court of justice. My Lords, whatever brings the administration of justice into contempt with the people, is an injury to the Government, and a serious evil to the administration of justice itself. And surely, my Lords, it cannot be said that the evil is diminished by the consideration that the court assailed and to be brought into public contempt is the House of Lords, the high court of appeal from all the other tribunals of the country. Such an assault upon the administration of justice in the Court of Queen's Bench, in the Court of Common Pleas, in the Court of Exchequer, or in the Court of Chancery, would be considered a high contempt, and would subject those who perpetrated such an offence to severe and condign punishment. That Court which sits in judgment over the Court of Queen's Bench, the Court of Common Pleas, the Court of Exchequer, and the Court of Chancery, ought to receive the same protection which those courts have by their own intrinsic power: they have undoubtedly the power, which they occasionally exercise, of committing to prison and of finding all who are wilfully guilty of contempt. Having said thus much, my Lords, I now proceed to mention that I have been sitting for the last six or seven weeks in the administration of justice in your appellate jurisdiction, assisted occasionally by other Peers, not law Lords; but of law Lords, I was the only one who has been able to attend. I undertook—I voluntarily undertook—this duty. The ignorance of the party who put this in the newspaper—in some respects the mere ignorance, but in others the ignorance combined with falsehood and malignity—is inconceivable. That person says, that this has only taken place since my noble and learned Friend on the woolsack accepted the Great Seal. Why, it took place long before. I was sitting as the only law Lord during the whole time that the Great Seal was in commission; but on hearing that there were heavy arrears of causes in his own court, when my noble and learned Friend accepted the Great Seal, and that none of the appeals entered last Session had been disposed of this Session by this House, I felt it to be my bounden duty to aid your Lordships in your judicial capacity in getting rid of the arrears before you, and also to relieve the noble and learned Lord on the woolsack. I sat, my Lords, as a law Lord in your judicial business. I have heard causes of as difficult and of as heavy a description as ever came before you. I heard two cases, each of which lasted four days, during sittings continued from ten o'clock in the morning till five in the afternoon—I say till five in the afternoon, at which hour your Lordships meet in your political capacity. For it is a very important thing to the parties, if you rise in appeals at four o'clock. What is the consequence of your Lordships adjourning at four o'clock till ten the next morning, when by sitting for half an hour or an hour longer you can finish the case at that hearing? Why, if you adjourn till the next day, all the counsel in the case, it may be four, five, six, or seven in number, have to be refreshed over again, all the fees of the House are to be paid over again, and all the expense of the solicitors' bills is to be incurred, amounting, it may be, to 200*l.* or 300*l.* I save all this, my Lords, by sitting half an hour or three-quarters of an hour longer every day. Now, to all the causes which I have heard I have given the most laborious and deliberate attention; and my sincere belief is that the learned counsel in those cases will admit that I also gave them a most patient and impartial attention. Contrary to the course taken by other Judges in this House, I never once stopped a cause on the mere showing of the appellant, although I may have occasionally felt that the decree of the court below was right, and that there was no chance whatever for the appellant; for I have always held, that in a court of last resort, where the most serious injury might be done—an injury only to be set right in the case of a slip or miscarriage by an Act of Parliament—it is better to hear both sides out, and to allow the appellant to have his reply. I have sat as many as five or six days in the week, having sat on Wednesdays and Saturdays for three weeks, contrary to the uniform practice of the House; but my great object was to cut down the arrears, so as to get rid of them before we parted for the holydays. My Lords, I have succeeded in that object. I heard last Saturday the last of the causes in arrear—all, save one, which by some accident dropped from the paper — but even that cause, which turns on the interpretation of a will, stands for hearing to-morrow. I have thus succeeded in disposing of the causes in arrear, and arrears at present there are positively none. I have left no hearing, and, what is more, I have left no decision in arrear. I have moved your Lordships to give judgment in every cause which I have heard. This I consider to be of great importance. I hope that my noble and learned Friend on the woolsack will forgive me if, with my experience in this court, which is much longer than any which he can have had at present, although I hope that his experience will yet extend far beyond mine—I hope, I say, that my noble and learned Friend will forgive me if I urge on him that the very worst thing that a Judge can do is to fall into the perilous habit of postponing judgment for too long an interval between the time of hearing and that of decision. Hearing arguments day after day when you do not intend to give your judgment till six months afterwards, not only gives you the habit of not applying your mind closely to the arguments; but the practice has also this other bad effect, that when you prepare your judgment in the long vacation, and pronounce it some time before Christmas, you are then exceedingly apt to forget circumstances of material importance in the case, the effect of the argument is effaced from your mind, and the parties find, that though they have incurred the expense and trouble of having had the points in dispute argued by counsel, you (the Judge) would have been just as competent to decide them if you had read all the papers, seen all the notes, and heard no counsel whatever. I therefore recommend to my noble and learned Friend on the woolsack, after hearing counsel, to let as little time as possible elapse before he gives his judgment. I have given judgment, my Lords, in all the cases save one which I have heard during the present Session. I will add one word more. Four of the cases I have heard have been in reversal, all the others in affirmance of the decrees of the courts below. But in every case, whether in reversal or whether in affirmance, with one exception where the putting off the judgment would have been the affectation of seeing difficulty and doubt where difficulty and doubt there were none, I have postponed my judgment for two or three days, and sometimes for a week, in order to afford ample time thoroughly to consider the arguments in conjunction with my own notes of the case, and to consult statutes, authorities, and text-books; and I will venture to say that even in cases where I have been under the necessity of reversing the decision of the court below, the united opinion of the profession, not excluding those members of the bar against whose arguments I decided, is in favour of the judgments which I have delivered. It does not become me in my judicial capacity to say what opinion the bar have of the satisfactory or unsatisfactory conduct of the judicial business of this House during these six or seven weeks; but I am confident that the decisions which I then gave will be found to produce satisfaction. I am now, my Lords, about to show you what the attack is of which I complain. I will not read to you the ribaldry of the article at length, nor notice the general attacks on my character, which I assure you that I despise. First of all, it is said that such a thing has never been heard of as a single law Lord, who is not a Judge, sitting by himself to hear appeals, whilst the Chancellor was at Lincoln's Inn; never, until the appointment of my noble and learned Friend to the high office of Lord Chancellor. Never heard of? Why, it has been heard of not only this Session, whilst the Lords Commissioners were sitting at Westminster, but it was heard of so long back as the Session of 1835, when I sat and heard my noble and learned Friend, now on the woolsack, then at the bar, arguing one case for seventeen hours. I admit that I did not on that occasion sit at the centre of the table during the whole time, because an Irish demagogue, who chose to fix a quarrel on me for my official and Ministerial conduct, threatened the Government of the day with his high displeasure in case it allowed me to appear to decide the cases in the House of Lords. So my noble Friend behind me (the Earl of Shaftesbury), at the instigation of the Government, acted on, to its own disgrace, by the Irish demagogue, was compelled to come down, and to sit at the table, and to appear to decide the cases which came before us. I was meanwhile sitting in my place as a Peer, with my desk before me, and the only result of that compulsory movement was that the counsel were compelled to turn, with their necks awry, to address me, who was sitting on this side of the House—and I hope that my noble and learned Friend on the woolsack is not stiil suffering from the twist in the neck which he got upon that occasion. I nevertheless still continued to decide causes, although my noble Friend, Lord Shaftesbury, came down to preside at the table, until the end of that long, very long, Session. It is then said that only Judges should sit here, and that till the time of the present Lord Chancellor that was always the practice. Not so, my Lords; for during the last time my noble and learned Friend (Lord Lyndhurst) held the Great Seal, my noble and learned Friends, Lord Cottenham and Lord Campbell, and myself, had sate, in turn, three times every week, and had decided long causes, sometimes in conjunction and sometimes separately. This, my Lords, is the absolute and gross ignorance which presides over this newspaper attack. But this is not the worst part of its offence. I stated to your Lordships the patience with which I listened to every case which came before me; and I challenge all who were present, be they peers, suitors, advocates, or solicitors, to deny the patience with which I went through every case, and the deliberation with which all our proceedings were regulated. There is this passage—" The number of cases knocked off in the Lords "—as if some one had bragged of the precipitate haste with which cases had been decided—I need scarcely tell your Lordships that I never used so vulgar and low-bred an expression :—

> " The number of cases 'knocked off' in the Lords has been considerable; but whether they have been gravely and attentively heard, maturely considered, and satisfactorily disposed of, is a question which will not be agreeably answered on inquiry amongst the able men who, for six weeks past, have been pleading at the bar of the House of Lords."

And then comes more stupid ribaldry as to the haste with which causes had been knocked off, and as to my motives in sitting as Judge in the House of Lords. There is only one other part of this trash with which I will trouble your Lordships, and it is this :—

> " His (the Lord Chancellor's) bar warned the Lord Chancellor that the arrangement he had made for Lord Brougham transacting the appellate business of the Lords for the remainder of the Session would not work well, and it has not."

Here, my Lords, is a fact stated on which I gladly join issue with this slanderer. " The bar remonstrated against my sitting here as Judge." Whether my transacting the appellate business of the House of Lords worked well, or not, is not for me to decide; I will leave that to the profession and the public; but I assert that this is not only not true, but that there is not a shadow of truth for the assertion that the bar remonstrated against my acting as a Judge. I say that no remonstrance was made against me—I say that no objection was offered to me by the bar, and I further add that a noble and learned Friend of mine asked the Lord Chancellor to come down to the House, as he was acquainted with the facts of a particular case which was to come before us, but that he thought it was not a reasonable request—but that has nothing to do with the case now before us. In short, this paragraph is, from beginning to end, a gross departure from truth. I say that no Court can suffer such false libellous slanders on its proceedings to pass unnoticed, and, for this reason—a Court which permits such slanders is supposed to admit their truth. If I could not have laid my finger on this article, if I could not have brought it in this manner to the world that my sitting to assist your Lordships in your judicial capacity this Session had been met by a remonstrance from the bar, no remonstrance, even from the bar, would prevent me at any time from performing that which I felt to be my duty to this House and to the country; but, my Lords, I should regret indeed if now, for the first time, and after a long professional career, and after twenty years of judicial experience, I had afforded grounds for any such remonstrance betokening on the part of the bar, a want of confidence in my learning and my honour.

The LORD CHANCELLOR: My Lords, I regret exceedingly the attack which has been made on my noble and learned Friend; for, beyond a doubt, he has rendered great and good service to the country this Session by disposing of the appeals. When I had the honour of receiving the Great Seal, there was a great arrear of cases in this House, and also in the Court of Chancery, arising not only from the unfortunate illness of my noble and learned Friend, Lord Cottenham, but added to in a very great degree by the unfortunate illness which happened at the same time to that extremely valuable Judge the Vice-Chancellor of England, and the illness of Vice-Chancellor Wigram. The illness of those two learned personages contributed largely to that arrear, because the causes proposed to be heard, and those which had been partially heard before them, could not be heard by any other Judge in Chancery save the Lord Chancellor. Therefore, having to hear and decide not only the causes which came before the Court of Chancery in its ordinary practice, and of which there was a considerable arrear; but the causes which had been so partly heard by those two learned Judges, of necessity the arrears continued and increased; and, with my attention divided—sometimes having to preside in your Lordships' House, and sometimes in the Court of Chancery, no effort of mine could keep them down; and I hope I need not assure your Lordships that I should have been most willing to use every effort to serve the public by decreasing this arrear, or to concur in any arrangement by which that object might have been effected, and the accumulation of further arrears prevented. But though I sought no assistance, my noble and learned Friend, in his zeal for the public service, was good enough to undertake to hear and decide upon the appeals in this House, and so leave me more at liberty to deal with the business of the Court of Chancery. With regard to the feeling of the bar, I have had but little communication with them; but from what I know, I believe there is not the slightest foundation for saying that any remonstrance had ever been made by the bar against that arrangement. If there had, and I had been informed of it, I should immediately have communicated with my noble and learned Friend, and have asked your Lordships to consider what course it became you to pursue, in order to dispose of the arrears under such circumstances. I believe generally that the profession is desirous that the person who holds the Great Seal should preside over the judicial business in this House. But be that as it may, in reference to the arrangement in question, I have had communication with but one member of the bar since I heard of this attack upon my noble and learned Friend—that person is one who attends very much in your Lordships' House, and is engaged in most of the appeals that come before you—and from that learned person I learned that the manner in which my noble and learned Friend has discharged the duty he had undertaken, and the judgments he has pronounced, had given great satisfaction to him, and he believed to every one of his learned brethren of the profession, as well as to your Lordships and the public. I believe that the attacks to which my noble and learned Friend has called your attention, originated in some private and malicious motives. Undoubtedly they were not directed to the advantage of the public, and not dictated by the conviction that they were true. It is quite true, as my noble and learned Friend has said, that the most patient attention and deliberation have been given by my noble and learned Friend to every case which has come before him, and that he has been mainly instrumental in bringing to a conclusion and giving judgment on the part of your Lordships in several causes of vast importance; and I have now learned with no less astonishment than gratification, that he has been able to pronounce judgment in all cases before your Lordships. I regret the attacks which have been made upon my noble and learned Friend; but I can hardly think that so far as my noble and learned Friend was individually concerned, they are at all worthy of his notice. And with regard to the House of Lords in its judicial capacity, this House, my Lords, stands far too high for it to be supposed for a moment that by such means the confidence of the public in it can be in the least degree diminished. My noble and learned Friend has presided in your Lordships' House, and in Courts of Law and Equity, too long for attacks of this nature to be of the slightest importance to him personally; but that circumstance by no means lessens their indecency and impropriety; and if they are repeated, it may perhaps be incumbent on your Lordships to take notice of them, because in that case, if they are allowed to pass unnoticed, they may obtain credence; but isolated attacks, such as that to which the noble and learned Lord has called attention, pass off innocuously, and are not worth notice. My noble and learned Friend has done good service in the duty he has undertaken, and so successfully performed, and I think he is entitled to the gratitude of the public and of your Lordships for having placed the House of Lords in the position that no arrears of causes will remain undecided at the close of the Session. I can only say further, that I hope next Session I shall be able to discharge the duty as satisfactorily as my noble and learned Friend has done.

The Duke of WELLINGTON: My Lords, having been a Member of various Administrations for many years now past, and having been often sensible of the great inconvenience resulting from the accumulation of arrears in the hearing and decision of judicial appeals before this House, I cannot but be sensible of the great obligations which the House is under to my noble and learned Friend, for the great activity which he has displayed, and for the great pains which he has taken in presiding over, in hearing, and in deciding on the existing appeals, and in keeping that branch of our judicial business in such a state as will enable us to bring it to a conclusion at the end of the present Session. My Lords, I concur in the feeling of disapprobation of these foul libels on the administration of justice in this House, which has been so well expressed by the noble and learned Lord on the woolsack; for observe, my Lords, these foul libels are attacks on the administration of justice in this House, and not on the administration of justice by my noble and learned Friend. I implore him not to discontinue his exertions in the public cause from any feeling of resentment at such attacks. This House is fully sensible of the great services which he has already rendered it, and feels the utmost confidence in the advice which he offers to it for the formation of its decisions—for I beg to remind you that all my noble and learned Friend does is to give you his advice; it is for you to decide upon it. I am much mistaken if there be not many noble Lords in this House fully capable of discerning whether that advice is right or wrong. I hope that my noble and learned Friend will not be deterred by attacks like these from continuing his attendance at our judicial proceedings.

The Marquess of LANSDOWNE entirely concurred in the sense of obligation which the House owed to all the noble and learned Lords, and especially to his noble and learned Friend (Lord Brougham), for the time, talents, and exertions which they devoted to the sustainment of the impartiality, dignity, and character of the judgments of the House. Unacquainted as he was with the article which had caused his noble and learned Friend such pain, and with the merits of the various causes which he had decided this Session, he felt still a deep conviction that the judgments pronounced before the Members of that House, who, as the noble Duke had well observed, were competent enough to discover any errors in their proceedings, must, until those errors were pointed out, be assumed to be correct, and must command the attention and respect of the public. He was sure that the conduct of his noble and learned Friend enjoyed the full confidence of the public, for whose benefit, as well as that of the House, the noble and learned Lord had devoted so much time and attention.

SMALL TENEMENTS RATING BILL.

On Motion that this Bill be now read 3^a,

The Earl of HARDWICKE moved, that it be read a third time that day six months. He believed that the Bill was characterised by great hardship and partiality, and that it would lead to a positive confiscation of a large amount of property. Not only would the landlords of this property lose their rents, but they would have to pay the rates also. A similar Bill had been passed for Liverpool in 1831, the effect of which was to increase the rates in the course of three years from 1*s.* 9*d.* to 2s. 6*d.* in the pound. At the expiration of that period the Bill was repealed, and the rates fell to 1*s.* 6*d.* Their Lordships should profit by this experience, and reject the present measure.

Lord PORTMAN, as chairman of the Committee that had sat upon the subject of parochial assessments, thought it right to state that the unanimous opinion of that Committee was that some such Bill as the present ought to pass, inasmuch as the greater part of the occupiers under the present circumstances escaped the payment of rates, and the landlords pocketted the difference.

Amendment withdrawn; Original Motion agreed to.

Bill read 3^a, and passed.

PARLIAMENTARY VOTERS (IRELAND) BILL.

Order of the Day for consideration of the Commons' Amendments, and Reasons, read.

The MARQUESS of LANSDOWNE said, in conformity with the notice which he had given, he rose to call their Lordships' attention to the Amendments which had been made in the other House of Parliament in this Bill, which had undergone a very full discussion in this House, the result of which was, that their Lordships had made very material alterations in this Bill. Some of these alterations had been struck out, others had been retained; and with these changes it had been sent up from the other House. He wished generally to call their attention to the different Amendments which had been made in the measure, leaving it to their Lordships to take any one of them in detail, and to found upon it any Motion that might seem desirable. He would shortly state the character of the Amendments which the other House had agreed to, as adopted by their Lordships, and then to those which that House had thought fit to make, but which the other House had not adopted, but had on their side amended, and again submitted for their Lordships' consideration. It was his intention to submit a Motion to the House to agree to these Amendments of the Commons. The Amendments which the other House had agreed to were but few, but they were of some importance. They had agreed to the Amendment suggested by their Lordships, the adoption of which would be attended with the very useful effect of excluding any fraudulent occupiers from the possession of the franchise; and they agreed with that House to regard actual occupancy, either as tenant or owner, as an essential qualification. They had also agreed with another important Amendment which had been adopted by that House unanimously, and which certainly met with his own entire concurrence—to omit the clause by which joint occupiers were to have the right of voting. They had also agreed with the Amendment which inserted certain words in a clause by which a net value was required to qualify a person for voting, so as to prevent the custom of faggot voting, and securing that the person voting should be *bonâ fide* in possession of the amount of property which was legitimately required. They had also agreed to the Amendment with regard to the alteration of the dates in the Bill. The House of Commons, however, on the consideration of the whole of the subject, dissented from the conclusions their Lordships had come to on two important points. The first was as to the proposed qualification of voters; and the other was, the self-acting principle of registration. The House of Commons, in sending up the Bill, had adopted a certain rate of voting, with which their Lordships did not agree, but required a greatly increased amount of rating of an occupancy. The House of Commons had sent up a Bill with the sum of 8*l.* rating for a qualification; but, after a great deal of discussion in that House, and after various suggestions had been made, their Lordships were pleased to alter this enactment, and make provision that the occupancy should be rated to the enormous amount of 15*l.* The Commons had now sent up the measure again amended; and he now entreated that House to reconsider this subject, with the view of coming to an agreement. The sum of 8*l.* was in the Bill as it was originally sent up, and 15*l.* was substituted by their Lordships. The House of Commons, anxious to maintain, if possible, a good understanding and agreement between that House and themselves, said that while they could not acquiesce in that large increase in the value to confer the right of voting, they had abstained from sending the Bill back with the amount which they had originally decided upon, and had altered their original proposal, by substituting 12*l.* for 8*l.* This change was agreed to by a large majority of the other House, and the adoption of it would have the effect of giving no more than 10 voters for every 100 male adults in the population of Ireland; while in England, Wales, and Scotland, the right of voting, taken on the average, was possessed by 28 out of every 100 male adults; and in Scotland, where the proportion of voters was the lowest, the proportion was 25 to the 100. He could hardly believe that noble Lords were prepared to pass such a sentence on Ireland, as to say that 10 in the 100 of the adult male population of the country was too large a proportion of the population of that country to be entrusted with the elective franchise. If they looked at the recent election for Mayo, they would find a striking instance of the evils of the present system. Such a state of things loudly called for a proportionate increase in the number of voters. He knew that he had been accused of showing too great a willingness to adopt their Lordships' sentiments upon this subject, in not having pressed them to a decision upon the proposition of the House of Commons for an *8l.* franchise; and he knew that he might also be accused that night of showing too great pertinacity in asking and urging their Lordships not to adopt so high a rate of qualification as *15l.* He was indifferent to both those accusations; but he wished to see a Bill pass which should put an end to this subject, which should not leave a cause for ferment in that country; and which should not exclude any class of persons from the right of voting who were qualified by situation and numbers to exercise that privilege. He was far from asking their Lordships to forego that right, which they unquestionably and constitutionally possessed, of modifying and altering the vote of the other House of Parliament. He was not one of those who would, under any circumstances, wish to see their Lordships reduced to act the part of a mere puppet in the constitution of the country, whose duty it was merely to register in due form the decisions of any other body; but while he thought they had an unquestionable right to exercise their own opinion upon these subjects, and to canvass them in the spirit of free inquiry, he did earnestly conjure their Lordships that that privilege which they respected in themselves, and for themselves, they would liberally concede to others; and if they were satisfied, as he thought they must be, that it was by representative government alone that any part of this united kingdom could remain happy and contented, he did trust that, in regulating the amount of the franchise in Ireland, they would not so contrive it as to leave out of it, and alongside of it, excluded from the margin which they prescribed, any body of occupiers so large and so situated, by nullifying the effects of that franchise by making it not effectually and not really a representation of the opinions of the people of that country. Even if those opinions should not, in their Lordships' apprehension, be always exercised in accordance with the rule of right, yet they should recollect that they were never more sacred than when they were exercised in a constitutional manner, and when the people were not driven to express them in modes which were unconstitutional, and in a course which was attended with danger and mischief to the public safety. He thought he was not asking their Lordships to grant too great a boon in calling upon them to give to Ireland an increased franchise. He asked them to grant it, if not to the same extent as in England and Scotland, at least in a greatly increased proportion to the present constituency. He therefore earnestly recommended the House to agree to this Amendment of the Commons. There was another Amendment which was also the subject of much discussion in that House. He meant the Amendment by which that House set aside the self-acting principle of registration, and had substituted for it a system of individual claim and application, which could not be made without subjecting the voter to all that interference and dictation which had to an extraordinary degree marked and distinguished the progress of elections in Ireland. The House must be well aware of the authority exercised over the voters in Ireland. There was the authority of the landlord—there was the authority of the priests—and there was the authority of persons who were known by the name of agitators. All these influences, he believed, would be materially diminished if the Bill passed with the alteration made by their Lordships. If, however, persons were called upon to claim the right of voting before they possessed it, it would be found that there were no persons who would exercise the franchise unless under the control of the landlords and the priests. They might depend upon it the adoption of the course proposed by the Commons was that best calculated to give an honest, independent, and intelligent constituency. He trusted their Lordships would reconsider this part of the subject, and adopt the clause as it originally stood, by which the guardians of the poor, and the clerks of the peace, were bound to place duly qualified voters on the register. The other Amendments of the Commons were not of a character to call for observation from him. The noble Marquess concluded with moving that the Commons' Amendments to the Lords' Amendments be agreed to.

Lord STANLEY had no intention of reopening at any length the discussion which had already taken place upon the two important Amendments last alluded to by the noble Marquess. He confessed, however, that he had heard with some surprise the statement of the noble Marquess, that the House of Commons had acceded to several material Amendments which had been made by their Lordships in this Bill; and, certainly, when the noble Marquess enumerated them, it did not appear that they were of a very material or important character, when he was obliged to enlist in his enumeration the Amendment with regard to the alterations of the dates, which was rendered absolutely necessary, unless they had intended to make the Bill complete nonsense, because, the Bill reaching that House in July, it was made to come into operation by the House of Commons on the 1st of June; therefore the House of Commons would not have been very consistent if they had opposed the alteration. Then again they were told that they had adopted another Amendment, the obvious intention of which was to make a *boná fide* occupation necessary for the franchise. There was another Amendment of great importance, which had been introduced by the noble Marquess, namely, the getting rid of the joint occupancy qualification; but as this had been carried at the instigation of Her Majesty's Government, no credit should be taken for its adoption elsewhere.

The MARQUESS of LANSDOWNE: No, you proposed it.

LORD STANLEY had certainly given notice to that effect, but he had been asked by the noble Marquess across the table why he (Lord Stanley) had put it down on the list of Amendments which he had given notice of proposing, as the noble Marquess intended to move it himself; whereupon he (Lord Stanley) replied that as other Amendments were consequent upon its adoption he had inserted it in his list. One of the Amendments was necessary, as it had direct reference to the joint occupiers. The Committee, therefore, inserted words to give effect to it. But to the two points which were of real importance in the Bill, the Commons had altogether disagreed. The House of Commons had disagreed to the Amendments with reference to the amount of the franchise, and with respect to the clause which related to what had been called the self-acting system of registration which their Lordships had struck out. Their Lordships had had very long discussions on both those subjects, and notwithstanding the resistance of Her Majesty's Ministers, their Lordships had expressed very strong opinions in favour of the Amendments which had been proposed, and had carried them by considerable majorities. On that occasion a noble Friend of his on the cross-bench had expressed a hope that they did not demand either a 12*l.* or a 15*l.* franchise, with a wish to make it a ground of compensation or bargain with the House of Commons, but that they would, to the best of their judgment, agree to the lowest amount of qualification which they could adopt with safety for the working of the Bill, and for the sake of the representative system of both Great Britain and Ireland. So far from thinking the Amendment which he had proposed gave too high a qualification, he was directly of the contrary opinion. So far from thinking that their Lordships, by assenting to a 15*l.* qualification had gone too far, he was of opinion that it was a dangerously low one. It was not the qualification of the person who was rated and paid on a 15*l.* holding, but the occupier, however abject his condition, however ignorant, not possessed of any property, who was in possession of a tenement assessed at 15*l.* a year. This qualification would probably include persons who were only possessed of three or four acres of land, on which they lived, and in the town populations much less. The mere occupancy of a house as a tenant at will, as their Lordships' Amendment stood, would confer on this class of persons the right of voting. The noble Marquess said, and he fully concurred with him, that the representative system should be a *boná fide* representative system, and it was upon that the country rested its welfare and character, and upon which the safety of the constitution depended. But he was anxious that these representatives should be not merely representatives of numbers of interests, but of the intelligence and property of the country. He believed that they would make the constituencies of Ireland more the exponents of the opinions and interests of that country if they regarded them, not with respect to mere numbers, but to other qualifications; but he feared the Government were making the constituency of Ireland merely representative of numbers, without reference to property, or at all events they were so framing their constituency, that numbers would overbalance that portion which possessed property. This was not a question of principle, but of degree. It had happened, in consequence of the emigration or removal of many, and of the dispensations of Providence, that the constituency of Ireland had become very low. They had been told by the noble Marquess to look at the recent election for the county of Mayo, and to the very small number of voters who had polled there. He (Lord Stanley) would ask the House to refer to what had taken place at that recent election as a specimen of what they might expect if they adopted any such plan as that which now stood in the Bill. It was stated that the number of electors was very small, not exceeding 300—and not more than 230 polled at the last election. He must, however, say that the number which were actually prevented voting—which would be made the subject of inquiry elsewhere—was very considerable, for the most extraordinary steps had been taken to prevent these persons exercising their rights. The election for Mayo was attended with as disgraceful proceedings as had ever taken place, and ought to be a warning to the noble Marquess and his Colleagues. No question of foreign or home policy—no question of protection or free trade — no question involving a difference on English or Irish interests, was involved in it; but the landlords, the owners of the soil in the county, both Whig and Tory, were almost unanimous in favour of one of the candidates; but the election was carried against the landlords by the most unscrupulous, unwarrantable, and unconstitutional intimidation of a portion of the Catholic priests, that ever disgraced a country calling itself civilised. The mode of carrying on the election was a slander and scandal on the representative system. The Gentleman who was returned did not represent the owners and occupiers of that county, but was the representative of Bishop M'Hale and his subordinate clergy. When they saw in the county of Mayo the immense power of the Catholic priests, and the unscrupulous manner in which they exercised that power, their Lordships must be doubly cautious in introducing a new experiment for the franchise, never to adopt such a scheme as was calculated to make the electors the mere tools of the Catholic clergy. This, he repeated, was a question not of principle, but of degree. He, and those who acted with him, admitted that it was desirable to extend the franchise—to extend it as far as could be safely done, namely, with a proper combination of numbers with intelligence and property. The limitation must necessarily be arbitrary. The limitation which he proposed might be acted upon for a period, and if, in due course of experience, they found this 15*l.* franchise worked well, then would be the time to consider whether they could not safely and advantageously go down to 12*l.*; but if they fixed it at 12*l.* now, the House should remember that, however ruinous the constitution of the franchise to be established—however dangerous and anarchical the character of the constituency to be created under it might prove, they could not follow the example set them in a neighbouring county, namely, having granted the franchise, they could not withdraw it, but must continue it. This was a point which should be carefully and deliberately considered by the House. Noble Lords should recollect, if they followed a step for concession it was irretrievable, and therefore there must be great danger in taking that step. The Bill as it stood proposed to grant a franchise infinitely lower than any which now existed in England, Scotland, or even Ireland itself. He did not think the noble Marquess was very correct in his calculation of the proportion of electors in England and Scotland to the adult population. This measure would not give so large a proportion to England and Wales as it gave to Ireland; for a much lower qualification was required to qualify for a vote than in Great Britain. Then, in Mayo, how could they give anything like a probable guess at the number of persons qualified, when compared, as the noble Marquess did, with the electors of England or Scotland? He had that morning referred to a return which had recently been laid before Parliament, which stated that there were in Mayo 52,000 tenements, each of which, on an average, was occupied by seven or eight inhabitants; and of these tenements 40,000 were estimated as being rated under 5*l.* The fact was, that the population of Mayo were a population of paupers; and because the persons possessed of property there were small in proportion to the population, the Government argued that, in the creation of a constituency, their Lordships ought to look to numbers only, and not to property at all, and that the representative of Mayo, who was to form an integral part of the representation of the three kingdoms, should be the representative of a population of paupers. For his part, however, he would not, and he could not, accede to a proposition which placed the franchise in Ireland in the hands of a pauper constituency. He believed that it was not safe to go lower than a 15*l.* franchise; and, notwithstanding there had been a considerable majority of the House of Commons in favour of a 12*l.* franchise, as he had no doubt there would have been in favour of a still lower franchise, if Her Majesty's Government had proposed it, he trusted that if their Lordships were to exercise an independent judgment at all—if they were to entertain any respect for their own decisions—they would maintain their own opinion, and support the amount of 15*l.* as the lowest that could safely be adopted. The noble Marquess had said that the House of Commons had made a great concession to their Lordships in allowing 12*l.* to be substituted for 8*l.* as the amount at which a person should be rated to give him the franchise. The House of Commons had certainly adopted the advice given to them by Her Majesty's Government; and it must be borne in mind that the noble Marquess, when the Bill was in their Lordships' House, finding that the general feeling was, that an 8*l.* franchise was much too low, declared his intention to vote against it. When it was about to be proposed that the franchise should be 8*l.*, the noble Marquess interposed and desired that the question should not be put, using the extraordinary expression, that if the question was as to the insertion of 8*l.*, he should vote against an 8*l.* franchise. He (Lord Stanley) was convinced, therefore, that the noble Marquess, so far from making any concession to the majority against him, was satisfied in his own mind that an 8*l.* franchise was not safe, and that, in his own deliberate judgment, he preferred a 12*l.* franchise. The question was not between 8*l.* and 15*l.*, but between 12*l.* and 15*l.*; and the decision of their Lordships was, as he hoped it would be again, that a 15*l.* franchise was as low as was safe. Perhaps it would be convenient if he were now to say a few words on the other Amendment relating to the subject of compulsory registration. To that system there were two grave objections, and he had not heard either objection answered. In the first place, it was argued that a great number of persons, who wished to avoid altogether the turmoil of an election, and to cultivate their own land in peace and quiet, would be exposed to the solicitations of the landlord on the one hand, and of the priest on the other, from which there was only one mode of escape; and that was, by the occupier not paying his rates. Now, as an Irish landlord, he must be forgiven for saying that there was already a peculiar reluctance on the part of the occupier to the payment of his rates, and that no additional inducement was necessary. Then, again, a system of compulsory registration acted on one side only. It put the occupiers on the register, but left the freeholders, whom, without reference to political party, he might call the conservative interest of Ireland, to make a claim before they could be placed upon it. This, too was proposed at a time when so much apathy prevailed, and when the duty, as it was called, of registering, was so much neglected. He knew that there was some difference of opinion between himself and some noble Lords who were extremely well acquainted with the state of Ireland, as to what would be the practical operation of this part of the measure. Not thinking, however, that the House of Commons had shown any temper or disposition to concede, he could not waive his strong opinion that the system was an objectionable one, for the sake of making a concession to the House of Commons. If the other House of Parliament had fairly and frankly taken the franchise which their Lordships had deemed the lowest which could safely be proposed, he thought it questionable whether it would not have been desirable for their Lordships, acting in a spirit of mutual concession and goodwill, to try, in deference to the opinion of the House of Commons, this new experiment of a system of compulsory registration. If their Lordships, by adhering to their own views, should cause the loss of the Bill for the present Session, much as he desired to see the question settled—much as he desired to see an end put to the repeated discussion and agitation of the measure—though in Ireland, he believed, it caused but little agitation — ["Hear, hear!"]—he would rather encounter the inconvenience which attended the renewal of such discussions, and the recurrence of such agitation, than give his assent to a measure which was destructive of the representative system in Ireland. He moved, therefore, that their Lordships do insist on the Amendment made by this House in page 2, line 5.

The MARQUESS of CLANRICARDE thought it was only by enlarging the constituency that a representation of the sense and intelligence of the country could be secured; for the destruction of the 40*s.* freeholders threw the 10*l.* householders into the hands of the agitators. The substitution of a 15*l.* franchise would exclude 48,000 persons from the constituency of Ireland; and as the property thus unrepresented would chiefly belong to the rural gentry, the consequence of adopting 15*l.* as the qualification would be to throw the representation of the counties into the hands of the shopkeepers in the country towns. The proper system was one which was based on the representation of the mass of the people. The noble Lord who had just spoken referred to the Mayo election in terms which were quite unwarranted. The noble Lord observed that no public principle was involved in the contest. He (the Marquess of Clanricarde) was not there to contradict the noble Lord; but he had seen letters stating in strong terms that votes would be given to the Gentleman returned on grounds involving the question of protection or free trade. He believed that public principles were a great deal canvassed at that election. He protested against the course taken by the noble Lord, in drawing from what might have occurred in a particular case a general conclusion on which to found legislation with reference to the whole of Ireland. The very proceedings which the noble Lord reprobated would not have taken place in an enlarged constituency. With respect to the self-acting registration, the latter proposition had never been brought forward. He was surprised to hear the noble Lord argue, or rather *déraisonner*, with respect to its probable effects. Instead of producing agitation to coerce electors, the result would be the opposite; for it was manifest that when it was optional for a man to register, his political opinions would be from the first made the subject of inquiry on the part of his landlord, and under such circumstances he was made a party man whether he would or not. The noble Marquess concluded by urging their Lordships to agree to the Amendments of the Commons.

The House then divided on Lord Stanley's Motion to insist on the Lords' Amendment: — Content, Present 62; Proxies 53; Total 115: Not Content, Present 56; Proxies 70; Total 126: Majority 11.

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Exeter
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Chesterfield
Cardigan
Desart
Glengall
Hardwicke
Jersey
Kinnoull
Longford
Lonsdale
Lucan
Macclesfield
Mansfield
Malmesbury
Mountcashell
Nelson
Orkney
Orford
Powis
Romney
Rosse
Roden
Stanhope
Sheffield
Talbot
Verulam
Warwick
Wilton
Winchelsea

VISCOUNTS.
Gage
Hill
Middleton
Strangford

BISHOP.
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BARONS.
Abinger
Brougham
Boston
Clonbrock
Colchester
Crofton
De Lisle
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Lyndhurst
Rayleigh
Redesdale
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Manchester
Marlborough
MARQUESSES.
Ailsa
Hertford
Londonderry
Waterford
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O'Niel
Sidmouth
BISHOPS.
Carlisle
Exeter
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Polworth
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Cremorne
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Hamilton
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Leeds
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Bristol
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Cork
Cottenham
Craven
Cornwallis
Derby
Ducie
Errol
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Gainsborough
Haddington
Harrowby
Home
Howe
Kenmare
Kingston
Meath
Oxford
Radnor
Ripon
Roseberry
Sefton
Shrewsbury

VISCOUNTS.

Bolingbroke
Falkland
Hardinge
Lismore
Mazarene
Sidney

BISHOPS.

Hereford
Ripon
St. Asaph
Worcester

BARONS.

Blantyre
Campbell
Cowley
Carew
Churchill
Cloncurry
Dacre
Denman
Godolphin
Heytesbury
Howard de Walden
Howden
Keane
Monson
Montfort
Rivers
Rossmore
Stanley of Alderley
Stafford
Stourton
Sudeley
Suffield
Vaux
Vernon
Wodehouse

Amendment not insisted on; and the Commons Amendment agreed to.

The EARL of DESART then moved that their Lordships should disagree to that Amendment of the Commons which provided for compulsory registration. He could not consent to expose the voters to the persecution to which they would be sure to be subjected if so pernicious a system were adopted. The Commons had in this matter made a concession to popular clamour, but they had not acted prudently in so doing. Concession never disarmed agitation. It rather infused fresh vigour into it.

LORD STANLEY: If I could bring myself to believe that there is any—the least—likelihood that the result of another division would be that a different conclusion from that which has been just adopted would be arrived at, I most assuredly would not hesitate to advise my noble Friend to divide the House on his Amendment, for I entirely concur with him that the principle of a compulsory registration is liable to many and most serious objections. I believe that it will be found to be most dangerous and mischievous in that country where it is now about to be introduced for the first time—in Ireland; and I am certain that it would be attended with prejudicial results even in England. With these feelings I should not scruple to advise my noble Friend to press his Motion to a division, if I could bring myself to hope that the result of a division would be favourable to our common views; but, so far as I am able to collect the opinions of noble Lords present, there does not appear to be any probability that the numbers would not be pretty much the same as on the last division. On the last division, a majority of your Lordships here present in favour of insisting on your own Amendments was overborne and outbalanced by a majority of proxies, and as, on the principle that *litera scripta manet*, that same majority still remains to carry the Government to victory—a majority, let me observe, that cannot be influenced by any arguments, however powerful, by any appeals, however eloquent—I feel it would be only a waste of your Lordships' time if we were to proceed to a second division. If the division were to depend on the votes of noble Lords now present, we should have no apprehension of the result; but as the Government will no doubt have again recourse to the proxy system—a system most convenient in itself, and which the present Government has found more convenient than any preceding Government—I must suggest to my noble Friend that it would be a wanton waste of time to divide again. With respect to certain observations which I made some time ago on another division similarly obtained, I must take leave to remak that it is an error to represent me as having stated that it would be desirable to deprive your Lordships of the privilege of voting by proxy. I never said so; but this I did say, and I repeat it, that there never was any Government which has been so much indebted for their majorities as the present Government to that means of voting; and I do not hesitate to assert that, however convenient or necessary it may on some occasions be, it is not a satisfactory mode of proceeding for a Government systematically to pursue, that of reversing the opinions of present majorities by having recourse to the votes of noble Lords who have no opportunity of taking part in the debates.

The **Marquess of LANSDOWNE** observed that he would not say one word to influence the noble Lord from whatever course might appear most desirable to himself. The noble Lord was at liberty to take whatever course he pleased with respect to dividing; but if they went to a division, he (the Marquess of Lansdowne) would most assuredly call for proxies, for nothing could be fairer or more legitimate. The proxy system might or might not be convenient; but of this he was persuaded, that there was no noble Lord in their Lordships' House who would more willingly have recourse to it, if it suited his own purpose, or had more frequently resorted to it, than the noble Lord opposite.

Lord STANLEY: I beg to say I never call proxies when I am in a minority of the Lords present.

The **Marquess of LANSDOWNE** continued to observe that if there had ever been a question in which it was fair and legitimate to use proxies, that question was the present one. It was a question which had been before the public for three months, which had been agitated most zealously in that and the other House, and in respect of which it was perfectly well known what the Amendments intended to be proposed would be. If the noble Lord thought that he would gain a single vote by dividing, he would of course divide.

The **Earl of DESART** said, that he should accede to the recommendation of his noble Friend, and consent to withdraw the Motion. It was with deep regret that he had to assent to the Amendments of the other House. He greatly regretted that their Lordships had ever given their assent to the principle of the Bill, believing, as he did, that the measure was uncalled for and injurious.

The omission of Clauses 18 and 19, to which the Commons disagree, on Question, not insisted on: The rest of the Amendments made by this House, to which the Commons disagree, not insisted on; and the Amendments made by the Commons to the Amendments made by the Lords agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, August 6, 1850.

Minutes.] Public Bills.—1ª Crime and Outrage Act (Ireland) Continuance (No 2); London Bridge Approaches Fund; Holyhead Harbour; Law Fund Duties (Ireland).

Reported.—Canterbury Settlement Lands; Turnpike Acts Continuance.

3ª National Gallery (Edinburgh); Sheep and Cattle Contagious Disorders Prevention Continuance.

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE (No. 2).

Order read for resuming Adjourned Debate on Amendment proposed to be made to Motion [2nd August]—

"That leave be given to bring in a Bill to continue, for a time to be limited, an Act of the eleventh year of Her present Majesty, for the better prevention of Crime and Outrage in certain parts of Ireland;' and which Amendment was to leave out from the word 'That' to the end of the Question, in order to add the words, 'the distressed people of Ireland have borne unexampled sufferings, produced by famine, and by evictions from the soil, with praiseworthy submission to the Laws; and it is the opinion of this House, that it is not just to renew and continue measures of coercion subversive of the constitutional rights of the Irish People as British Subjects, whilst the redress of acknowledged grievances connected with the Laws which regulate the relations of Landlord and Tenant, recommended to the consideration of Parliament in Her Majesty's Speech, has been neglected or postponed'—instead thereof."

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. MOORE said, he must oppose the Motion, although he had originally given it his support when it was brought under their notice. Although agrarian outrages and crimes had formerly been deplorably prevalent, no one could deny that they had lately very much decreased in consequence of the improved feeling of the population. He had seen those who were the foremost to protest against the remedy, the first to hail the cure; and, above all, he had seen the bloody, and capricious, and sanguinary ebullitions of unhallowed vengeance give place to a calm and mighty protest against the injustice from which they had sprung. The most exasperated, the most perverse, even the most guilty of the people of Ireland, had acquiesced in the justice of that wise sentence which proclaimed that murder under no circumstances, under no provocations, should dare to assume the seat of justice; and they now demanded in return that those legal murders which had hitherto obtained impunity, not in the bosom of a guilty populace, but in the dark recesses of a conniving law, should no longer be permitted to defile the land. And what was the answer to that appeal? It was this—that, no matter how blameless might be the demeanour of the people, no matter how offensive might be the conduct of the landlords, that House was determined to legislate for the landlords, and against the people. [*Expressions of dissent.*] Hon. Gentlemen dissented, but what was the state of the case? What was the great social scandal of Ireland at the present day, which affrighted the mind of every passing traveller, and filled the whole land with wailing and desolation? Was it the assassination of the rich by the hands of the poor? Was it the landlord or the agent slain on the highway by the arm of the vindictive peasant? They heard of none of these things, but, on the other hand, smouldering hamlets and roofless villages; evicted families cowering round their desolated hearths; others, hunted from that last retreat, dying by the wayside; children, with scarce a vestige of humanity, crowded in festering throngs within the walls of the poorhouse, or shivering in cold, and hunger, and nakedness in the rain outside—all, in fact, that met the eye from end of the country to the other, denoted a ruthless and exterminating war against a meek, forbearing, and unresisting peasantry, such as eye had never seen, nor ear heard, in the whole history of human wrong and human endurance. And was it to be credited that, as a remedy for such a state of things as this, they were now called upon to forge fresh fetters for unresisting poverty, fresh weapons for overbearing power, measures of prevention lest the hapless worm should turn, measures of enforcement lest the armed heel should not tread sufficiently heavy or sufficiently sure? He thought that amidst the scenes that were enacted in Ireland, to intrude three such measures as were now in progress through the House upon the gloomy stage, to enforce the strong and restrain the feeble, where strength was already rampant, and feebleness had almost sunk into collapse, was a scandal upon our legislation, and almost justified the calumnious imputation which had been alleged against our laws—that they were enacted against the many "by and for a particular few." The arguments alleged in support of this Bill were three. First, his right hon. Friend the Secretary for Ireland said, that its provisions were directed against wrongdoers only. To this proposition he gave his entire assent. But he replied, in the words of the noble Lord at the head of Her Majesty's Government on another occasion—"This is the argument put forward by despotic Governments." Of course this Bill was intended for wrongdoers alone. The same might be said, and said truly, of the torture, the knout, and the wheel. The objects of despotic and constitutional Governments were pretty much the same—it was upon the means that they essentially differed. It was the means, and not the object, which they were then debating; and he conceived no more indisputable axiom of constitutional government than that every arbitrary enactment which was not absolutely necessary was absolutely injurious. The hon. and learned Gentleman the Member for the University of Dublin said, that this was a measure of prevention; and he added the somewhat musty proverb, that "Prevention was better than cure." He was sorry to hear an hon. and learned Member of his talents and character put forward an argument so unworthy of him; for he thought the House would agree with him that, whatever necessity might occasionally exist for arbitrary measures for the purpose of repression, the enactment of such laws for the mere prevention of possible and anticipated dangers was not only unworthy of a free Government, but one of the worst and basest expedients of despotic power. As for the argument of the noble Lord at the head of Her Majesty's Government—that, because this measure had been successful in repressing outrage, they should persevere in a remedy which they had found so efficacious—it was about as reasonable as if a physician who had relieved a patient suffering from violent inflammation by copious bleeding, were still to persist in bleeding on, after the inflammation had subsided into atrophy and decline. In fact, the Government had no case. They frankly avowed it, and begged of the House to excuse the trifling deficiency. He, for one, must decline making that concession. He voted for this Bill on a former occasion, because he thought there was a full, complete, and imperative case for interference. He now voted against it in the same spirit, because there was no case, and worse than no case.

Colonel RAWDON could not refuse to

continue the Act if the responsible Government of the country considered it necessary to secure peace and order, and more particularly knowing how temperately it had been administered, and to what satisfactory results it had led. It was true that the state of things had changed since the Act was passed; but could any one who was at all familiar with Ireland venture to predict that the evil which had called it into existence might not again arise? He, for one, could not, and therefore he felt that he should not be doing his duty if he refused to continue a power in the hands of Government which could only be directed against the criminally disposed part of the Irish community, though he could not help regretting that the Bill for its continuance had first originated in the other House of Parliament, which had so peremptorily rejected the measure introduced by the Government for the extension of the franchise of Ireland.

Mr. SCULLY said, it was his determination to oppose the Bill, and expressed some surprise that the hon. and gallant Member who last addressed them supported the Bill, because it was demanded by the Government. The state of things which called for this Act no longer existed, and he, for one, would be no party to its continuance, when the only reason that could be urged in its favour, was simply that Government wished it, though he was quite prepared to support a measure for the prevention of crime and outrage in Ireland of a remedial character. The right hon. Baronet the Secretary for Ireland, when he originally proposed the measure, said it should be limited and partial in its character, and that it should be accompanied by remedial measures. The Session had now endurd for a long period, but no remedial measures had been proposed. The Irish people were disappointed; they received nothing but coercive measures. The land question was undecided, and the Franchise Bill had been a failure, and would not give satisfaction to the people. The Church question still remained unsettled. Ireland was in a perfect state of tranquillity, crime had almost entirely diminished, the Judges at the assizes stated the fact in their grand-jury charges, and there was nothing to justify the continuance of this measure. He felt a pride in stating that in one division of the county which he represented (Tipperary), there had not been one capital conviction for the last four assizes. In no part of Ireland were there any of those murders and outrages which formed the justification of the measure of 1847. In fact, the characteristic feature of Ireland at present was not crime but distress. In the nine months previous to April last, there had been no fewer than 225 deaths from starvation. In place of coercive measures, it was the duty of the Government to introduce measures of practical relief—measures to employ the poor and to relieve the farmers from the grievances of which they complain. An agitation had sprung up respecting the land question, which was supported not only by the Roman Catholic priesthood, but by clergymen of all denominations in Ireland. The Government might depend upon it that, if they did not take this question into their consideration, a solution of it might be forced upon them which they would grievously regret.

Mr. TORRENS M'CULLAGH: I am not surprised, that so few upon this side of the House should have been found ready to defend, in discussion, the measure which the Government now asks leave to bring in. With the exception of what has been said by the hon. and gallant Member for the city of Armagh, not a word has been offered in justification of the course we are called on to sanction, by any one who is connected with Ireland, and who in this House is reckoned among the friends of popular rights. My hon. and gallant Friend has volunteered, however, his support of Her Majesty's Government, when support was never more needed. For whatever the numbers upon the division may be, there never was surely a measure so stringent in character, and of such wide applicability, for which so little by way of reason or argument has been advanced by its authors. Yet I must say that the statements and the admissions made by the hon. and gallant Member, so far from justifying the conclusion to which he has come, seem to me to warrant exactly the opposite inference, and to furnish grounds, if any were wanting, for coming to a different conclusion. He has told us that the agrarian oppressions and hardships the people endure, have been, and are, unparalleled. He admits that their long-suffering and forbearance have been, and are, unexampled. He confesses that Parliament has not hitherto done anything which might palliate this terrible wrong and misery; and therefore he says we should lose no time in passing this harsh and repressive Bill. The country is perfectly tranquil, and that is the reason, for want of a better, why we should pass a law of an exceptional character, to quell non-existent disturbance. The right hon. Gentleman the Secretary for Ireland attempted to make no case to justify the present proposal. I say so not as meaning thereby to insinuate any species of reproach. I can understand and appreciate the undisguised reluctance with which one so circumstanced as my right hon. Friend lends the weight of his name and experience to wholesale charges and accusations against the people of his own country. And when in a case like the present, matter of imputation is wanting, I honour the feeling which leads him to refrain from hinting that which he could not openly assert, and recurring to times of unhappily worse repute, in order thereby to darken the fame of the present. I would that others had been equally forbearing, and that the deeds of a former period had not been referred to when an impeachment was to be brought against this. But fresh materials were scanty, and the temptation was therefore great. I am sorry that the hon. and learned Member for the University of Dublin was unable, as it would seem, to resist it. Not content with citing the deplorable fate of Mr. Mauleverer, and with stating that case, as I shall show, in the spirit and tone of an advocate, rather than in that which befits a legislative judge, the hon. and learned Gentleman sought to excite still further the indignation and disgust of the House by connecting therewith, as though in a natural course of retrospective suggestion, another terrible case of lawless vengeance in the self-same locality. Passing rapidly over all that in fact and fairness ought to have been distinguished, he told us that in the devoted district where Cross-maglen is situated, another victim, the late Mr. Powell, had fallen by the hand of an agrarian assassin. But he forgot to mention that between the one deplorable event and the other, a period of not less than nine years had intervened. And it was only in answer to an interruptive question that my hon. and learned Friend admitted the fact to be so. Now, Sir, I say that it is alike unworthy and unwise to rummage the records of by-gone guilt and misery in order to eke out the short reckoning of present sin and shame. I say it is not our duty to dig at the foot of the gallows for the remains of well-nigh forgotten crime. And I humbly trust that this House, for its own sake, as well as for that of a libelled and suffering people, will not be swayed in the judgment to which it may come on the merits of this most uncalled-for Bill by any reference that has been made to stale and irrelevant topics like those I have named. But, as they have been dragged into discussion, I too have a word to say regarding them. The hon. and learned Member for the University of Dublin dwelt with much emphasis upon many details of the narrative he undertook to give respecting the fate of Mr. Mauleverer. He told you, in confutation of statements which had appeared in the public journals, that not a single ejectment had been executed under the orders of that unfortunate gentleman; and he took care to say "executed" in italics. But why was the cardinal fact omitted, that in the space of the twelve months preceding, no fewer than 321 processes or civil-bill suits in ejectment had been brought by the ill-fated Mr. Mauleverer against persons who occupied portions of the property under his management? It happens, moreover, that in the county of Armagh, and more especially in its mountainous and impoverished districts, resort to ejectment, as a means of enforcing rent, has long been but too common. The evidence of Mr. Tickell, who fills the office of assistant barrister in that county, given before the Devon Commission, attests this sad truth. According to him, the number of ejectments brought at the quarter-sessions in that county alone during the years 1839—1845, were 1,953. It was during that period that Mr. Powell came by his untimely death. God forbid that I should say that those by whose hand he fell, perpetrated what, in any sense, ought to be termed a "natural crime!" That ominous phrase did not fall from any opponent of the present coercive Bill. I have never consciously uttered, and I earnestly hope I never shall, one word that by any construction could be wrested from its intended meaning into a palliation of deeds of vengeance. Did no higher consideration govern me, I should feel bound by that sympathy which I so deeply feel for the wrongs and oppressions of the people, not to allow anything to escape my lips which could by possibility be supposed to sanction crimes against life or property. I fully believe that those who would do so are not the true friends of the people, but that, on the contrary, they are evil advisers, who would lead them to their own undoing and destruction. But, on the other hand, I would with confidence put it to every English Member who hears me, whether he can realise easily the state of panic, of pain, and of passion, into which a whole community of poor and unfriended men may be thrown, when the fate of each and all of them seems to depend upon the capricious and all-powerful will of a single man? And what if, in addition to all the fears and animosities arising out of the letting and occupation of land among a neglected and rackrented tenantry, there be added the withering suspicion of sectarian antipathy, and of a desire to abuse the power that property confers, to purposes of proselytism? I say not that, in the case of Mr. Powell, such imputations were just, but I say that they were prevalent. And I further say, that being so, it is not surprising that the vindication of the law by the condemnation and public execution of the person accused of being his murderer, instead of producing a salutary effect by way of example, tended to create, on the contrary, feelings of new exasperation and aversion between the owners and occupiers of the soil; for how was that condemnation obtained? If my recollection of the circumstances of that frightful case does not very much deceive me, the person who was accused of the crime alluded to was a Roman Catholic. His name, I think, was Hughes. He was first tried by a mixed jury, who disagreed as to his guilt. At the next assizes he was again put upon his trial; but upon the second occasion the jury was exclusively composed of the religious denomination to which in Ireland the dominant class belong. By that jury he was found guilty. He died upon the scaffold protesting his innocence. It is not for me to hazard any opinion as to the justice of the verdict. He is gone to his account, and no man now can lift the veil that hangs over that miserable tragedy. But, guilty or innocent, I say that he had not a fair trial; because, in a country like Ireland, no trial can, under such circumstances, deserve to be called fair, when the jury is packed with the members of the favoured creed, while the accused professes the faith of the down-trodden race. I think the House will concur with me in opinion that the hon. and learned Member for the University of Dublin would have done better had he refrained from alluding to this case. With regard to this Continuance Bill, I can but repeat what has already been said by my hon. Friends around me, and admitted, indeed, by every one who has spoken, that the country never was so tranquil, and that outrage never was so rare. Every grand jury lately assembled—every Judge who has recently addressed them—has borne the same testimony. In the words of Baron Lefroy, when opening the assizes of Westmeath, not three weeks ago, "a new day of peace and loyalty seemed to have dawned upon the land." Is this a time for the renewal of coercion? It has been said that we owe our present tranquillity to the application of this law. I asked a friend of mine the other day, who has had peculiar opportunities of knowing, to what extent this Act has been really put in force. He told me, to a very limited extent. How then, I asked, can its efficacy have been so great, that we must now continue it? His answer was, "It is useful as a threat." Sir, I must protest against the system of governing Ireland by threats. We have been told that, during the present Session, there has not been time to deal with remedial measures on the subject of agrarian grievances. But how does it happen that time never seems to be wanting for measures of agrarian coercion? Of the Bills that have come down from the Lords, this, though the last, is not the least. We have broken the neck of one of those birds of prey which lately alit upon your table; to-morrow we shall have to deal with another; and the question to-night will be, what must we do with a third? That which is now before us cannot be classed with these, for it is a Government Bill; but fearing, as I cannot but fear, that in Ireland all will be looked on alike; and fearing, as I cannot but fear, that the provisions of all may be most widely abused, I cannot agree to give my vote for leave to have it brought in.

MAJOR BLACKALL said, he had never heard a speech in that House more calculated to excite angry feelings, or to draw attention from the real subject before them, than the speech which the hon. and learned Gentleman had just delivered. The hon. and learned Gentleman had altogether mistaken the character of the Bill. It would not give additional powers to the landlord. He was also mistaken in supposing that it was not in operation in Ireland at the present moment. It was in operation in the county which he (Major Blackall) had the honour to represent, and he defied any one to deny that its operation had contributed to the peace of that county; and yet he had never heard any one say that it had interfered in the slightest degree with the rights and liberties of any one. Believing, then, that if the powers given by this Bill were exercised with the same prudence and discretion with which they had hitherto been exercised, the happiest results would follow, he should give his cordial support to the Bill.

Colonel CAULFEILD said, he was glad to find that by the 18th clause, accessories after the fact of a murder were punishable to the same extent as the principal, even were he not overtaken. He should not have wished to have supported the Bill as it came from the House of Lords, but with the amendments which had been introduced by the Government, he would give it his support.

Mr. R. M. FOX said, that, although he might be willing to give the present Lord Lieutenant the powers conferred by this Bill, he was not willing to give them to those who might come after him, who would not only deprive the people of their constitutional liberties, but would raise their food to a starvation price. In the next Session of Parliament, he would move, as an amendment to the first important Government measure, that the landlord and tenant question in Ireland was of paramount importance, and should be first taken into consideration.

Lord C. HAMILTON hoped that nothing would induce the House to believe that the moral, high-minded, and well-meaning people of Ireland looked with the slightest jealousy upon restrictions like those contained in the present Bill. On the contrary, they rejoiced in the tendency of such a measure to check the career of evil-doers, and to enable the peaceable and well-disposed to exercise their industry in peace. He regarded it as the grossest libel on the people of Ireland to represent them as so addicted to the commission of crime, or the protection of criminals, that any measure of restraint or repression must be odious to them. He thought the Government deserved great censure for having allowed the whole Session to pass without the introduction of a measure to correct the maladministration of the poor-laws.

Mr. E. B. ROCHE said, he was one of those who from the commencement objected to the introduction of this Bill. He was fully alive to the great amount of crime which existed at the time the Bill was brought in, but he then said the existing law was sufficient, and that all they had to do was as they did in 1831, to issue special commissions. By applying the law as it stood, they did put down crime in Ireland. He said then that it was an unconstitutional law, and that they did not require it. Events had proved that opinion, and the same objection therefore applied much more strongly now. The argument for the Bill was, "True there is no crime in Ireland, and therefore give us this Bill that there may be no crime;" one of the most extraordinary arguments in favour of an unconstitutional law he ever heard. It was admitted on all hands that the great cause of crime in Ireland was the unsatisfactory relations of landlord and tenant. Surely, then, they had a right to say they would not agree to this Bill till they put these relations in a sound and satisfactory state. He must say that when at the latter end of the Session they had withdrawn measures for the amelioration of Ireland, it was unfair in the Government to bring in a measure of coercion without making out any case for it, and when many Irish Members were absent. Without this Bill there was law strong enough to put down crime, but the people of Ireland were tranquil; every Judge who had gone the circuit had congratulated them on the absence of crime, and therefore he trusted that even now the Government would consent to withdraw the Bill.

Mr. STAFFORD said, that there was one person who must be considered as being highly complimented by the whole course of this discussion; he meant the present Lord Lieutenant of Ireland; for, with all the ingenuity of the hon. Members who opposed this Bill, they had not been able to point to one instance in which he had used the large powers with which he had been intrusted in an unconstitutional manner. He maintained that the long and the short of the question was a vote of confidence or no confidence in the Government. The Government came forward and said, "We require such and such powers to enable us to conduct the Government of Ireland till next Session of Parliament." If hon. Members considered the Government of Ireland entitled to their confidence, there never was an occasion on which they might with greater propriety yield to their convictions than this. If, on the contrary, they thought the Government undeserving of their confidence, they ought not to have waited till the eleventh hour of the Session before bringing its conduct under the notice of the House. Attention had been called to the Irish

Church—to the state of landlord and tenant—and to the Irish Poor Law. He must own his regret that the Government had not pushed on the Landlord and Tenant Bill, and thought the explanation of the noble Lord at the head of the Government on this head was unsatisfactory. As to the Irish Church, when a Motion was brought forward regarding it, hon. Gentlemen opposite mustered so thinly that the House was counted out. It was in the power of any hon. Member to bring forward a Motion for the amendment of the poor-law, but it had not been done. No one, however, had found courage enough to blame the administration of the Earl of Clarendon, for all parties concurred in eulogising the wise and conciliatory policy of that noble Lord. On a former occasion he opposed a similar Bill to this, not because he disapproved of its powers, but because he thought it was for the interest of the country that the then existing Government should be thrown out; and he was ready to admit, that if those who approved this Bill felt the same towards the present Executive, they were justified in their opposition. But, on the other hand, if they were not ready to take upon themselves the government of the country, or could point out a party ready to do it for them, they were bound to pass this Bill, because the Ministry had declared that they could not carry on the Government of Ireland without the powers of this Bill. For his own part, he knew no man to whom he would more readily intrust the extensive powers of the Bill than the Earl of Clarendon; and, as he was not prepared to undertake the responsibilities of the Government, he should give the Bill his hearty support.

Mr. P. SCROPE said, it was rather a strange thing that the hon. Gentleman who had just addressed the House, justified his vote because he had confidence in Her Majesty's Government, seeing that he generally voted against them. The hon. Gentleman voted against another Coercion Bill, because he had no confidence in the then Government, so that the hon. Member had been consistent. He agreed in the compliments paid to the Earl of Clarendon; but it must be recollected that those extra-constitutional powers might be vested in other hands. The fact was, hon. Gentlemen opposite supported the Bill, because those powers were to be exercised against Ireland, and to coerce the Irish people. They seemed to have a notion in that House that the Government of Ireland was to be conducted on a different principle from that of England. No such Bill had ever been introduced for England. But it had been said that there had been a repression of crime during the existence of this Bill. Why, that was an argument that would justify their continuing such a Bill for ever. His opposition to the Bill was the same as that declared by the present First Minister of the Crown in 1846, when he opposed the Coercion Bill then proposed, because there had been no case proved—no amount of crime proved to exist—which could justify the introduction of such a measure. It had been said, on the other side, that the measure ought not to be characterised as one giving extra powers to the landlord: but it strengthened the power of the Government for giving effect to the decrees of the landlords, whereby large districts were depopulated. What would history say of the conduct of a set of landlords who seized the opportunity of a famine visitation to eject their miserable tenants from their holdings, and of a Government who gave the landlords facilities for effecting this object? He opposed the introduction of this Bill, because it was unaccompanied by any remedial measures.

Sir D. NORREYS supported the Bill, on the ground that the coercive powers had operated as a preventive of crime. Without saying that those powers were absolutely necessary now, he would ask who could take upon himself to say that they would not be so soon? In the transition state in which Ireland now was, it was better that these powers should be continued, than have a constant renewal of these discussions. He was convinced that to make the law felt, was the only way to ensure its observance in Ireland. He regarded the cry about the landlord and tenant question, as one of the popular delusions which were constantly prevalent in that country. As the Government asked for a renewal of this Bill, he would give it with confidence; nor did he fear its being abused by any other Government or any other Lord Lieutenant.

Colonel CHATTERTON confessed he was greatly surprised that any Member from the sister country could for a moment offer any opposition to the re-enactment of this measure. He considered it one of vast importance to Ireland. It had, in a great measure, restored tranquillity to that distracted country. It had restored confidence to the minds of the well-conducted, by punishing the disturbers of the public peace; therefore he, knowing well its value, would hope that Her Majesty's Government would use every exertion to have it carried through the House before the close of the Session, and it should have his warm and decided support.

Question put.

The House divided:—Ayes 81; Noes 28: Majority 53.

Main Question again proposed.

MR. HUME contended that if the people of England were treated like those of Ireland, they would resist by force such an attempt to deprive them of their rights. The Government had made out no case for this Bill; in fact, there was no case to make out. On the former occasion he had thought it right to arm the Government with these powers. Nothing had been done since to give the people the civil rights enjoyed by the people of this country; on that ground he thought the representatives of Ireland fully justified in resisting this measure by every means which the forms of the House would allow. Sound policy alone would dictate to the Government some attempt at conciliation. This was the interest of England as well as Ireland; for in the absence of good government large and costly bodies of troops were necessary to keep the people of Ireland quiet. He should give every assistance to hon. Members who thought fit to avail themselves of all the forms of the House in opposing this measure.

MR. REYNOLDS tendered his thanks to the hon. Member for Montrose, on his own behalf and on that of his constituents, for his manly, generous, and frank declaration, which was, to him, consolatory and refreshing. He looked upon this Bill as a brand, a stain, and an insult on the Irish people. The right hon. Secretary for Ireland acknowledged that the country was tranquil, and yet he, because of his office, advocated this arbitrary measure. The Government asked for this Bill as a child asked for a toy—to play with during the recess; but, as the fable of the bull and the frogs had it, "what is sport to you, is death to us." Would they dare to propose such a Bill for England or Scotland. They would not. He felt that on his return to Dublin his constituents would naturally ask him why he supported a Government which thus treated Ireland; and he confessed the question would be a difficult one to answer. He was determined to oppose the introduction of this Bill, and would even record factious votes to put down this wanton infringement of the rights of the Irish people. If he had any influence with the noble Lord at the head of the Government, he would ask him not to tarnish his high character by agreeing to any measure of coercion towards the Irish people. He thought that Irish Members had some claim on the noble Lord, for on a late occasion, when an attempt was made to oust the Ministry on the question of their foreign policy, the noble Lord owed his success to the support he received from Irish Members, for it would be found that the noble Lord's majority of 46, included 58 independent Irish Members. [*Laughter.*] He very well understood the meaning of that laugh; but he was not so unacquainted with the rules of arithmetic that he did not know that 58 could not be included in 46. He meant no such thing, but he meant this—that 58 Irish Members had voted in the majority with the noble Lord, and if they had voted the other way, it would have made a difference of 116 against the noble Lord. And what would have been the consequence? In all probability they would have seen the right hon. Baronet the Member for Ripon changing over to the Ministerial side, supported by a number of—he would not say "loose fish," but of those who, from their talents and position, could assist in forming a piebald Administration. He could tell the noble Lord that, during the recess, the Irish Members would get up a little constitutional agitation, and he would advise that the first pledge exacted from a candidate in case of there being an opportunity afforded should be, that he would not give his support to any Ministry who would introduce such a Bill as that they were now discussing. This might appear an empty threat, but he would remind the noble Lord that when parties on both sides were so nicely balanced, 80 Irish votes might at any time disturb his or any other Administration.

MR. MOORE, with reference to the remark of the hon. Member for North Northamptonshire, that he had voted against a Coercion Bill on a former occasion because he bore a grudge to a particular Minister, and wished to drive him from office, said, he could not conceive that motives more abominable could possibly be avowed. He would say, moreover, that as long as Ireland was legislated for by such men as this, and upon principles such as these—

as long as she was legislated for, not according to the interests of the country, but the exigencies of a particular party—as long as Ireland was made the battle-field of faction, and ruled with reference to the support or defeat of Ministers, so long would she have bitter cause to complain of the spirit of their legislation, and to agitate, however vainly, for legislation at home.

Sir J. GRAHAM said, as the hour was approaching at which the House would probably adjourn, he wished to ask whether at the adjourned sitting they would proceed with the Orders of the Day, or with Notices of Motion?

Lord J. RUSSELL thought it desirable that the House, after discussing this question for two days, should finish the debate before they adjourned. He was desirous that the Orders of the Day should have preference at the adjourned sitting; but if hon. Members who had notices on the paper insisted on their right, there was nothing to prevent their bringing them on.

Mr. HUME asked the noble Lord at the head of the Government when he would be prepared to go on with the discussion respecting the Ionian Islands, because it was essential that some statement should be made respecting the conduct of Sir Henry Ward?

Lord J. RUSSELL said, that he would give an opportunity of bringing the subject before the House on Friday or Monday.

Mr. HUME wished to know when he might have an opportunity of submitting his Motion as to the propriety of laying the evidence which was taken before the Ceylon Committee on the table of the House?

Lord J. RUSSELL hoped the hon. Gentleman would reconsider his view on the subject. The evidence was very voluminous, and it being doubtful whether it should be reported to the House, the Committee decided that it ought not. It appeared to him that the best course to take was to inform the Governor of Ceylon of the evidence which had been taken, and in the next Session of Parliament he would be prepared to support a Motion for the production of the evidence. But he did not think it fair to circulate the evidence where the parties concerned were at a great distance, and before they could ascertain whether the charges were true or false.

Mr. S. CRAWFORD wished to say a few words on the question really before the House. He begged to express his gratitude for the speech of the hon. Member for Montrose, because it showed that there were some English Members who desired to maintain the rights and liberties of Irishmen. It had been said that the Amendment was tantamount to a vote of want of confidence. Well, without meaning offence to Her Majesty's Government, he for one would say that he had no confidence in their policy for Ireland.

Sir J. WALMSLEY said, that when the measure on which the present Bill was founded was introduced in 1847, it was sustained by an array of figures and statistics which induced a large number of the Members of the House, and especially the English Members, to vote in favour of it. A large number of Irish Members also were induced to vote for the Bill for the same reason. He believed that there were thirty or thirty-five Irish Members voting in favour of the Bill, and only four against it. That showed that the Irish Members were anxious and desirous that every measure necessary for preventing crime in Ireland should be introduced and carried. But on the introduction of the Bill in the present Session, the right hon. Baronet the Chief Secretary for Ireland made out no case for the measure before the House. On the contrary, it appeared to him he showed as plainly as words could show, there was no absolute necessity for the Bill. Neither had the noble Lord at the head of the Government made out any case in its favour. On the contrary, all that he could say in its favour was that it was a measure of precaution. It had been said that this question was a want of confidence in Her Majesty's Government. He could not concur in that view of the case. If he did, he should not follow the course he was about to do on the present occasion. He felt convinced that Her Majesty's Government would deal fairly, justly, and honestly towards Ireland, but they had a long series of misrule to contend with. He would, therefore, put it to the Government not to go on coercing the people of Ireland, for they had now arrived at a period in the history of both countries when Ireland must be governed by love, and not by fear. They never could rule Ireland by fear. He would therefore urge the Government to withdraw the Bill. This was not a vote of want of confidence in the Government, but this measure showed a want of confidence in the people of Ireland, and on that ground also he would recommend its withdrawal. But if it was persevered in, he, as far as he was able, would oppose its further progress in that House.

Colonel THOMPSON said, he so entirely concurred in what had been said by the hon. Member for Bolton, that it was very little he should add. He was strongly impressed with the necessity of creating a real and substantial union between England and Ireland. Times were coming which would call for everything in the shape of union which this United Kingdom, as it was called, could effect. Statesmanship was like seamanship. The best of seamen might go to the bottom; but if he was to keep afloat, it must be by watching the signs of the times, and taking early precautions against danger. So it behoved the statesman who saw the dangers approaching, to guard against them by a timely union of heart and mind, between England and Ireland. He hoped he had done something towards promoting that end, by impressing the necessity for such a course.

Mr. R. M. FOX moved the adjourment of the debate.

Motion made, and Question put, "That the debate be now adjourned."

The House divided:—Ayes 24; Noes 85: Majority 61.

Main Question put.

The House divided:—Ayes 84; Noes 24: Majority 60.

List of the Ayes.

Anson, hon. Col.
Arkwright, G.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bernal, R.
Blackall, S. W.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Brotherton, J.
Brown, W.
Buller, Sir J. Y.
Carter, J. B.
Chaplin, W. J.
Chatterton, Col.
Cockburn, A. J. E.
Corry, rt. hon. H. L.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Dawson, hon. T. V.
Dick, Q.
Dickson, S.
Duckworth, Sir J. T. B.
Duncan, G.
Dunne, Col.
FitzPatrick, rt. hn. J. W.
Fortescue, C.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Graham, rt. hon. Sir J.
Greene, T.
Grey, R. W.
Gwyn, H.
Hamilton, G. A.
Hamilton, Lord C.
Hatchell, J.
Hawes, B.
Henley, J. W.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, Lord E.
Jones, Capt.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Locke, J.
Lockhart, A. E.
Mackinnon, W. A.
Matheson, Col.
Maule, rt. hon. F.
Mostyn, hon. E. M. L.
Mullings, J. R.
Napier, J.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
Nugent, Sir P.
Ogle, S. C. H.
Parker, J.
Patten, J. W.
Prime, R.
Rawdon, Col.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Scrope, G. P.
Sheil, rt. hon. R. L.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanley, hon. W. O.
Stuart, H.
Thornely, T.
Townley, R. G.
Tufnell, rt. hon. H.
Wall, C. B.
Watkins, Col. L.
Willoughby, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, W. G.
Bellew, R. M.

List of the Noes.

Cobden, R.
Crawford, W. S.
Devereux, J. T.
Fox, R. M.
Fox, W. J.
Grace, O. D. J.
Greene, J.
Higgins, G. G. O.
Hume, J.
Kershaw, J.
M'Cullagh, W. T.
O'Brien, Sir T.
Pechell, Sir G. B.
Perfect, R.
Pilkington, J.
Power, Dr.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Scully, F.
Stuart, Lord D.
Tenison, E. K.
Thompson, Col
Walmsley, Sir J.

TELLERS.

Roche, E. B.
Moore, G. H.

Bill ordered to be brought in by Sir William Somerville, Lord John Russell, and Sir George Grey.

ROMAN CATHOLIC PRELATES IN THE COLONIES.

Sir R. H. INGLIS rose to put a question to his hon. Friend the Under Secretary for the Colonies, in reference to some late despatches of his noble Friend who was at the head of that department. A certain foreign Potentate had appointed to a certain office certain persons in certain parts of Her Majesty's dominions. The question he wished to ask his hon. Friend was, whether Her Majesty's Ministers had advised Her Majesty to continue to recognise the precedence which such appointment gave other parties, whose orders had been conferred with Her Majesty's sanction?

Mr. HAWES had read over the notice which the hon. Baronet had put upon the paper, with some care, in order to divine, if he could, the direction which this question would take, and he certainly was not quite prepared for the direction which it had taken. The despatches that were laid upon the table contained all the information that it was in his power to give. A circular had been issued from the Colonial Office to the Governors of the different colonies, to the effect that Roman Catholic prelates in the colonies might use the titles belonging to their ecclesiastical dignities, and that those titles would be acknowledged. As to the question of precedence, the question was altogether different. The acknowledgment of the title did not necessarily establish the order of precedence—that was regulated by other rules, and those rules had not been departed from.

THE EXHIBITION OF 1851.

Colonel SIBTHORP rose to put one or two questions to the noble Lord at the head of the Government, and his right hon. Friend the Chancellor of the Exchequer. There was a report that 14,000*l.* had already been advanced from the Treasury to the Commissioners for the Exhibition that was to be held next year. He wished to know if this were so, and if not, he wished to ask the First Minister of the Crown whether he was disposed to pledge himself that he would not propose, or sanction the proposal, either directly or indirectly, the issue of any sum of money, as well as the Chancellor of the Exchequer pledge himself not to issue or advance any public money for the purpose of carrying on the works for the proposed Exhibition of 1851 without the sanction of Parliament.

The CHANCELLOR of the EXCHEQUER said, with reference to the statement made by the hon. and gallant Gentleman, that 14,000*l.* had already been advanced, it was utterly and entirely a mistake.

Colonel SIBTHORP did not say it had been advanced. He said there was a rumour to that effect.

The CHANCELLOR of the EXCHEQUER could at any rate give it a complete and unqualified contradiction. As to any pledge, he must decline coming under any promise in the way proposed.

Colonel SIBTHORP: And the noble Lord?

Lord J. RUSSELL: No, I must decline.

POSTAL COMMUNICATION BETWEEN LONDON AND DUBLIN.

Mr. REYNOLDS rose to call attention to the great public inconvenience caused by the present mode of transmitting the mails between Dublin and London. At present, the mails left daily between Dublin and London. One left Kingstown at 12 o'clock in the morning, and the other at half-past 7 in the evening. It was to the latter that he wished to call attention. The time was seventeen and a half hours, and he thought it possible that the transmission might take place in fourteen and a half hours, being a saving of three hours. In support of that assertion, he might state that the mail which left Euston-square station at 5 o'clock in the afternoon reached Kingstown Harbour at 6 o'clock the following morning, being a period of thirteen hours. If that could be done between London and Dublin, he did not see why it should not be done between Dublin and London. He had felt it to be his duty to bring the matter under the consideration of the noble Lord at the head of the Post Office department; but although he (Mr. Reynolds) succeeded in proving that a substantial grievance existed, and the noble Lord expressed his willingness to apply a remedy, it appeared that the noble Lord worked with such imperfect machinery that he was unable to control it. He would now show the manner in which the time occupied between Dublin and London was taken up. The departure took place at half-past seven o'clock, and five hours forty minutes were allowed for crossing between Holyhead and Dublin. Twenty minutes were allowed for landing the mails, making six hours as the time occupied in crossing the Channel. There was a margin allowed at Holyhead for irregularities in the arrival of the packets; and the mail did not start from that point till two o'clock in the morning. The train arrived at Chester at forty minutes past four o'clock, where the mails were detained one hour and fifty minutes. The train again started at half-past six o'clock, and arrived at London at one o'clock. This was equal to seventeen hours London time. He was prepared to propose a plan by which the mail would arrive at a quarter past ten in the morning, thus enabling a delivery of Irish letters to take place at twelve o'clock, and not at half-past four or five o'clock, as at present. From Kingstown the departure should be at five minutes past seven (equal to half-past seven English time); five and a half hours should be allowed for crossing; twenty minutes allowed for the landing at Holyhead. The train should start at twenty minutes past one o'clock, and it would be due at Chester at four o'clock. On arriving at that point, there ought to be no delay; but the mail should proceed to Blisworth, and then to London, where the arrival would be at a quarter past ten o'clock. This would enable letters to be answered the same evening by the nine o'clock express train. He understood that the cause of the detention at Chester was for the accommodation of Liverpool and the northern parts of England. He would do as much as any man to serve a neighbour, but he could not go so far as to sacrifice the correspondence with Ireland for the sake of accommodating the people of Liverpool, and of the north of England. The delay at Chester would be removed were the Government to incur the expense of a special train between that town and Blisworth ; and he thought that ought to be done. He should conclude by moving for a copy "of any Regulations which may have been made by the Postmaster General relating to the Transmission of the Mails between London and Dublin."

Mr. CORNEWALL LEWIS said, that the present arrangements had been adopted upon the most mature and impartial consideration of the best mode of balancing different conveniences and inconveniences. There could be no question that the facilitation of communication between London and Dublin was a very important object ; but, on the other hand, the suggestion of the hon. Gentleman would involve considerable expenditure. The Postmaster General, however, would, he was sure, continue to pay the closest attention to the subject, and be ready to adopt any practicable improvement.

Mr. FRENCH expressed a hope that the improvement would be brought into effect at the earliest possible moment, for the present arrangements were most embarrassing to Irish correspondents.

Mr. COWPER said, that even if the mails were transmitted more rapidly from Dublin to London, it would be impossible to deliver them any sooner than at present, except by an entire reconstruction of the sorting arrangements. The letters from Dublin were delivered at the same time with letters from the north of England and Scotland.

Major BLACKALL said, it would be a very great convenience to have an intermediate mail from Dublin, enabling persons who had received letters from London by the five o'clock mail from that city to despatch the business to which they referred and return an answer accordingly, without having a whole day's delay intervene.

Mr. O. STANLEY concurred in the statement that the present arrangements with reference to Chester were most inconvenient.

Mr. STAFFORD said, it was absurdly incongruous on the part of a Government which had only the other day justified the withdrawal of the Lord Lieutenant from Dublin on the specific ground of having established a more rapid communication between the two capitals, to permit the subordinates of the Post Office actually to impede that communication by their bungling arrangements.

Colonel CHATTERTON said, if the right hon. Gentleman the Lord Mayor had just cause of complaint at the great public inconvenience caused by the present mode of transmitting Her Majesty's mails between Dublin and London, how much more legitimate cause of complaint had they in the south of Ireland ? After the arrival of the mails in Dublin, they were uselessly detained for four or five hours in the post-office there; and he almost doubted if his assertion would gain credence in the House, when he said a passenger coming from Holyhead in the same boat that conveyed the mails could actually reach the south of Ireland thirteen hours before the letters. He need not say any more to impress the House with the conviction that an alteration of such an evil was necessary.

Motion agreed to.

MEDICAL CHARITIES (IRELAND) BILL.

House in Committee.

Clause 10.

Mr. G. A. HAMILTON moved, that the appointment of officers should be committed to the managing committee of the dispensary district, subject to the control of the guardians. He objected to the power given to the Commissioners by the clause as it stood, to determine absolutely the salaries and qualifications of medical officers; and he considered that the appointments ought to be open to all duly qualified medical men.

Amendment proposed, p. 4, l. 19, to leave out the words "with such qualifications and salaries as the said Commissioners shall determine," in order to insert the words "duly qualified by law," instead thereof.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided :—Ayes 36 ; Noes 15 : Majority 21.

Clause agreed to; as was Clause 11.

Clause 12.

Mr. G. A. HAMILTON urged upon the right hon. Secretary for Ireland the expediency of striking out for the present all the clauses relating to infirmaries, and leaving the Bill a Bill relating to dispensaries alone. The subject of infirmaries was a very large and important one. They possessed property by bequest and otherwise; and it was not right they should be handed, as the Bill proposed, to the complete authority of the Commissioners. The profession was of opinion that the infirmaries should be exempted. If the Government would not consent to this, he would move an Amendment, that the governors of infirmaries should, if they thought proper, claim exemption.

Sir W. SOMERVILLE must resist the Amendment.

Mr. G. A. HAMILTON was anxious to protect the practitioners in Ireland, who were generally men of very high merit, from the power of the Commissioners, who might, under the clause, determine the important question of medical qualifications arbitrarily. He considered all the medical offices should be open to all medical men who were at present qualified by law.

Amendment proposed, page 5, lines 14 and 15, to leave out the words "from and after the passing of this Act," in order to insert the words "is, or," instead thereof.

Sir W. SOMERVILLE said, he had no objection to introduce some proviso which would meet the case of institutions having property, and which he would introduce on the report. He could not consent to mutilate the measure by confining it to dispensaries, nor to make its operation conditional on the consent of the governors of other institutions. Such an exemption would prevent the complete arrangement that was contemplated, and interfere with the establishment of district hospitals. He believed also, that the abuses of the infirmaries were as great as those of the dispensaries.

Mr. STAFFORD, looking at the magnitude of the changes proposed, could not but wish that the Bill might be postponed till next Session. They were dividing on most important questions with less than fifty Members present, including very few Irish Members, and nothing was more easy than for the Government to over-ride whatever objections might be made.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 35; Noes 8: Majority 27.

Sir R. FERGUSON said, there were four lines in brackets in the clause, which exempted the Dublin hospitals from the operation of the Bill. He saw no reason for exempting these hospitals, in one of which the medical appointments were regularly sold. He moved that the words constituting this exemption should be omitted.

Mr. REYNOLDS said, that every one in Dublin would testify that these hospitals were well conducted, and were of universal benefit to the people, without distinction of creed. If their management was handed over to this new board, it would neutralise many of the benefits now conferred by those institutions. The people of Dublin had the most unbounded confidence in the managers, which would not be the case if any change were made.

Mr. G. A. HAMILTON opposed the Amendment.

Sir R. FERGUSON said, these hospitals did not differ from any other county hospital. The Meath Hospital was the hospital for the county of Dublin. The system of bargain and sale which prevailed in some of these institutions, loudly called for a change in the management.

Sir W. SOMERVILLE said, the Meath hospital was one of the most celebrated schools of medicine in Europe. On bringing up the report, he would insert a proviso, giving an option to these hospitals to come under the operation of the Act, if they thought it desirable.

Sir R. FERGUSON withdrew his Amendment.

Clause agreed to; as were Clauses 13 to 34 inclusive.

Clause 35.

Mr. REYNOLDS then moved the Amendment of which he had given notice. As he was informed, the apothecaries of Ireland were 2,000 in number, of whom one-half were surgeons or physicians. It was apprehended that these gentlemen would be excluded from holding any appointment under medical charities unless some such words as he proposed were inserted. The right hon. Gentleman the Secretary for Ireland would perhaps say, that the apothecaries would obtain a status, under these words, to which they were not entitled; but up to a very recent period a clause or words were always introduced, preserving the rights of the apothecaries. He was afraid that the rights of the apothecaries were going to be sacrificed to the magnates of the medical profession in Dublin.

Amendment proposed, page 15, line 35, after the word "hospital," to insert the words "and that the words medical officer and medical practitioner shall be construed to extend to and to include any legally qualified physician, surgeon, or apothecary."

SIR W. SOMERVILLE did not think that any such addition as was now proposed was ever introduced into the interpretation clause of such Bills, as that which they were now considering; and if he consented to insert the words he would be taking upon himself to decide a question which had been long a matter of dispute in the medical profession.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 23; Noes 46: Majority 23.

House resumed.

Bill, as amended, to be considered on Thursday, and to be printed.

LANDLORD AND TENANT (IRELAND) (No. 2) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. BRIGHT submitted, that the Bill was not in order as it then stood before the House. The Bill, as it originally stood, was entitled a "Landlord and Tenant Bill," its object being to improve the relations between these bodies. At present it was proposed to call it "An Act to Prevent the taking away of Crops to avoid the Payment of Rent." There was only one clause retained in the Bill as it came down from the House of Lords, with part of another clause, to which, however, was tacked a long proviso. The Bill was in point of fact one for the creation of new criminal offences, and could not with any degree of justice be classed under the title of a Landlord and Tenant Bill, which was the character it pretended to on leaving the Lords. What he asked was, if this objection was not fatal to the Bill? and if not, he would proceed to state further reasons why the Bill should not be entertained.

MR. SPEAKER said, the objection was not fatal to the Bill. If the Bill had originated in that House, the case would be different; but as the Bill came from the Lords, no objection could be taken to an alteration even in the title of the Bill.

MR. BRIGHT would then address himself to some points of the Bill, and conclude his observations by moving that the House do not go into Committee upon the Bill. The measure then before the House was one for making more stringent the law of distress in its mode of operation, and extending that law to a class of property under circumstances in which it did not at present apply. The law of distress was altogether, in this country as well as in Ireland, very questionable; and on that ground he was fortified in his belief that they would not be acting wisely to make that law more stringent than at present. It might be observed by hon. Members that the Devon Commission received a very considerable amount of evidence which went against the law of distress in Ireland, showing it to be a harsh and severe law, and that it was a law not alone harsh and cruel to the tenant, but often not beneficial or satisfactory to the landlord. That being the case, and knowing that the law of distress was based upon a very questionable principle, conferring on a particular class of property the right of recovery not extended to other classes, he should declare himself opposed to the proposition now before the House, namely, to add new stringency to that power in the case of Ireland, particularly in the present condition of that country. It was well known that for some time past there had been a sort of servile war between the landlord and tenant classes of Ireland. He believed the landlords there were, in a great number of cases, oppressing and coercing the tenantry; and that the tenantry were endeavouring to avoid, by fraudulent means, the payment of their rents. In fact, there raged a sort of social anarchy, arising from causes heretofore discussed in that House, but which anarchy, or the cause of which, the present Bill was not calculated to remove. The hon. Member for the University of Dublin was a member of the Devon Commission, and would, he doubted not, bear him (Mr. Bright) out in saying that abundant evidence was laid before that Commission to show that the law of distress was so unpopular that in cases where property was distrained for rent, it was next to impossible to find a sale for it. Like goods seized for tithes, or church rates, in this country, it was almost impossible to find a free market and ready sale for it; and almost invariably the property had to be sold below its value. Now, coming to the Bill before them, the House would see that, after its enactment, no person would be allowed to cut crops between sunset on Saturday and sunrise on Monday. That was a sort of sabbatical observance that might be turned to a very harsh use. [Mr. M. J. O'CONNELL: No, no!] The hon. Gentleman who cried "No," must be more ignorant of the state of Ireland than he (Mr. Bright) believed him to be. The hon. Member should surely be aware that on estates in Ireland—where the landlords were absent, and even at home—the management was entrusted to the agents, and by them to the bailiffs and drivers; and he therefore contended that this Bill would be made use of in endless cases for purposes of oppression. The Bill provided that not only should not crops be cut between sunset on Saturday and sunrise on Monday; but even not between sunset and sunrise on the other days of the week, where the intention was supposed to be fraudulent, with a view to avoid the payment of rent. Every hon. Member from Ireland knew how the tenants were beset by parties who drove their cattle, and distrained on all possible occasions: and therefore it should be clear to them that a law adding fresh stringency to such a power should be regarded as most oppressive. When he was in Ireland last autumn, he happened to see in an office where was managed the affairs of one of the largest estates in the county of Limerick, a pile of papers drawn up and printed, and requiring only to be filled up with the name of the agent, commissioning the driver and bailiff to seize the cattle in payment of the rent due to the landlord. He saw hundreds of those forms, which showed that the whole management was carried on under a system of extracting rent, not by any free payment of the tenant, but by driving and impounding the cattle in lieu of the rent. ["Hear, hear!"] He did not know whether these cries, proceeding from hon. Gentlemen opposite, were intended for or against his position, but he asserted that where property had sunk into that condition, Parliament was not to look to the proprietor with a view of increasing his powers to extract his rent, but to the cause that produced that anarchy, with a view to remedy it. This Bill would enable the landlords to seize and impound the carts and horses and waggons removing, about to remove, or preparing to remove, those crops, no matter to whom belonging, and though not even on the land on which the particular landlord might not be empowered to make a distraint. He did not believe the right hon. Gentleman the Secretary for Ireland had read through the provisions of the Bill: neither did he believe the House would consent to enact the measure. This measure made that which hitherto was—if he might use the expression—only a civil wrong, in future a criminal offence. The non-payment of rent or taking away of property in this country, or in Ireland, had not been heretofore made a crime in the way that stealing was a crime, or felony: but by this Bill they were going to change the nature of the offence, and they were going to enact that the non-payment of rent in Ireland was a misdemeanour, punishable with twelve months' imprisonment and hard labour. This Bill, introduced by the hon. Member for the University of Dublin, showed to what desperate and cruel lengths Gentlemen of otherwise mild tempers and dispositions could go, in attaching twelve months' imprisonment and hard labour to an act that heretofore the laws of England did not recognise as an offence. He put it to the law officers of the Crown to say, if this Bill would not bring about the changes to which he had referred, and if it would not affect their notions as to law, and the principles on which law was based? When the Crown failed to obtain revenue, when payment of duties was evaded, penalties were attached and modes of recovery pointed out; but in no case was the offence made a misdemeanour, and followed by a punishment unjust and savage. There was a proviso introduced into the Bill which appeared to him not alone unjust, but also most absurd. It was to the effect, that any cart or waggon seized under the provisions of the Bill, not the property of the owner of the crop which was being removed, such cart or waggon should not be restored until the owner proved to the magistrate that it was not known to him (the owner) the purpose for which they were about to be used. Now, he wished to know from the hon. Gentleman opposite how he could call on a man to prove a negative, when it was for the prosecutor to prove him guilty? Thus the principles of law and justice were reversed. On these grounds the Bill was so objectionable, that he would oppose its proceedings that night, and also join with those hon. Gentlemen who took the same view as himself in opposing its further progress at every single step. He understood these clauses were recommended by no less eminent an authority than the Lord Lieutenant of Ireland. But that was nothing to him (Mr. Bright); for there had been known Lord Lieutenants, both before and since the union of both countries, who recommended a great amount of legislation most pernicious; and, therefore, such high authority went for nothing with him. He certainly should like to see the Lord Lieutenant urging on Government the necessity of passing measures of justice to the whole people of Ireland, but not such measures as the present, and that which occupied the attention of the House at an earlier stage of that day's proceedings, particularly as there was no necessity for them, and as they outraged all sense of law and justice. At the commencement of the Session, the Government brought in a Bill for the purpose of settling the long-pending question of the relative rights of landlord and tenant in Ireland; and he might appeal even to the hon. Member for the University of Dublin, whether, in the present condition of Ireland, it was not the duty of Government to legislate between them? The Government had brought in a Bill of many clauses, five-sixths of which were understood to be protective of the interests of the tenant, with three or four clauses strengthening the right of the landlord. The Government found they could not carry the Bill this Session. It had, consequently, been put off from time to time, and was, he believed, fixed for second reading on Thursday next. It certainly was odd that the right hon. Secretary for Ireland should have allowed the Bill to lie on the table, whilst the Marquess of Westmeath, in the House of Lords, was getting on with his clauses. How, he wished to know, had these Bills been passed by the House of Lords? Why, about five noble Lords sat—two on the Ministerial side, and three on the Opposition—who would not divide; and in that way the measures came down to the House of Commons, and hon. Gentlemen were expected to legislate on them. [An Hon. Member: No!] The hon. Gentleman said "No;" it might not be so as regarded the present Bill, but, generally speaking, it was so, and he could not help saying that such legislation would be disgraceful to any country in the world. He asserted such legislation was wrong in principle; because it gave more stringent powers to the Irish landlords, which powers all the world admitted were already sufficiently stringent, and had also been greatly abused. It was also wrong with regard to the temper that at present existed between the landlords and tenants of Ireland; it would only add fuel to the flame now raging, and would, in fact, give to the people, who were calling for "bread," nothing better than "stones" for their appeasement. The tenantry asked to be given a right in the land which they worked and toiled upon; and that House responding, came forward with a measure having only two such clauses as every tenant in Ireland would consider not alone not favourable, but more or less hostile to his interests. It was, then, because he conceived it would be disastrous to confer additional powers on the landlord class, that he objected to this measure. It was also brought forward at an unfavourable period —the fag-end of the Session, when not more than forty Members might attend for its discussion, and in the absence of very many who felt an interest in it. Therefore, conceiving it of too important a nature to be settled in that way, he begged to move that the House go into Committee on the Bill that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. S. CRAWFORD seconded the Amendment.

Mr. G. A. HAMILTON said, it was necessary after the speech of the hon. Member for Manchester, that he should make a few remarks. It was true, as stated by the hon. Member, that many of the witnesses before the Devon Commission had recommended the total abolition of distress; but it was also true that the Commissioners having given the subject their fullest and most anxious consideration, had come to the conclusion that it would neither be consistent with the rights of property, nor with the interests of the tenants themselves, that distress for rent should be abolished. They, however, recommended certain modifications in the law. They had recommended that distress of growing crops, though it was now the law in England, should be done away with in Ireland, and that certain notices should in all cases of distress be given, in order that the tenant might know how much rent was due, and have the opportunity of paying it before the sale of his goods. But the abolition of distress of growing crops had been followed by consequences which the Commissioners did not foresee. The House was aware that no civil process of law could be executed at night, or on Sunday. Fraudulent and dishonest tenants, therefore, by cutting and carrying their crops at night, or on Sunday, could escape distress altogether. This, however, was manifestly a fraud and act of dishonesty. It had been followed by very injurious consequences to the tenants themselves, and in some instances fatal collisions had taken place. The Bill was intended to prevent and punish this fraud. It was necessary in every case that a fraudulent intent should be proved, and a jury were to determine on it. He would be quite ready in Committee to show that it was not the case that any new principle of law was introduced in this Bill, and the law in England at the present moment was far more stringent as regards the punishment for carrying away distress.

Mr. LENNARD considered the cutting of crops on Sundays to evade the rent to be a downright species of felony, and one of the most dishonest practices that ever prevailed in any civilised country. He hoped that the Government would take care that the Bill passed during the present Session.

Mr. TORRENS M'CULLAGH denied that it was a general practice to remove crops in the way alleged by the supporters of this Bill. The tenantry of Ireland did not deserve the imputations which had been so lavishly heaped upon them; and he could not but believe that there had been some great moral constraint pressing upon the mind of the right hon. Baronet the Irish Secretary when he consented to the second reading of the measure. He (Mr. M'Cullagh) condemned the mode in which this Bill had been introduced and proceeded with. The last time it was discussed it was long after midnight; and he believed there was no formal advantage of which its promoters would not avail themselves in order to have it passed into law. Why was it not brought in sooner in the Session, if the necessity for it was so great as had been represented? Its framers had placed it in the hands of a Peer (the Marquess of Westmeath), the very last that he should have thought likely to be intrusted with such a measure. He was not one who was accustomed to make strong remarks relative to the Members of the Upper House; but he should have thought that the Government, or Gentlemen opposite, would have chosen as the person to introduce this measure into the House of Lords some man whose antecedents, whose character for sobriety of judgment, and whose consistency of conduct, in public life, were such as to win esteem.

Mr. DICKSON rose to order. The hon. and learned Gentleman, he presumed, had no right thus to refer to what took place in the other House of Parliament.

Mr. SPEAKER said, that the hon. and learned Gentleman was not out of order if he referred to what was found in the Votes of the House of Lords.

Mr. TORRENS M'CULLAGH held in his hand a copy of the Bill as it was printed by order of the House of Lords, and he found the name of the Marquess of Westmeath on the back of it. The measure originally brought in by the Government to amend the relations subsisting between landlord and tenant in Ireland had not been proceeded with, but its most stringent clauses were imported into, and now formed the whole of, the present measure; and he must repeat that Ministers could only have given their sanction to the second reading under some extraordinary feeling of constraint, or some overpowering sense of its necessity. Then, if that were so, why did they not adopt at once the responsibility of carrying it through Parliament? The hon. Member for Manchester had pointed out the difference between a civil wrong and a criminal offence; and he would only add to his statement, that, anciently, by the common law, nothing could be distrained that partook of the quality of the soil. It was only after 1688 that this principle was disturbed, and the right of distraint over growing crops was recognised by statute. This right, first established in England, was subsequently extended to Ireland; but the power was abused so universally and so notoriously that the Devon Commission, of which the sponsor for this Bill in that House (Mr. G. A. Hamilton), was a member, reported that it should be abrogated. Nobody proposed to take the power of distraint over growing crops from the landlords of England; but the Devon Commissioners reported that it was necessary to divest the landlords of Ireland in that respect of a statutable remedy which experience had shown to be liable in that country to great abuse. But, much as he approved of the proposal to abolish the powers of distraining growing crops, he would rather run the risk of the greatest abuse of that law, than support the Bill now before the House. They would not attempt such a measure for England; and they wronged the people of Ireland, when they imposed upon them a yoke greater than they themselves were willing to bear. He would appeal to the hon. and learned Solicitor General for Ireland whether this was not an attempt to repeal by a sidewind the remedial and conciliatory Act of 1846, which had been passed at the instance of Lord Besborough? If the Bill should go into Committee, he would move an Amendment to do away with its criminal character, and leave to the parties a civil remedy only, and thereby efface from the measure its worst features. Had the proposition been confined to prohibiting, under penalties, the carrying away of crops on Sunday, he should not have felt so much opposed to it; but this was a law against the tenant cutting his crop any day in the week after a certain hour. Such an enactment would subject every tenant in Ireland to the malice of any scoundrel who might for the basest purposes inform against him. And then, before whom were the accused to be arraigned? Before the magistrates sitting at sessions; that was to say, before their own landlords. The crime was to consist in the intent of the accused; and this was to be proved to the satisfaction of two persons interested—if not directly, at least by sympathy of class—in his conviction. Circumstantial evidence, coloured by prejudice and passion, or the reckless swearing of some miserable dependant, would, of necessity, be the only proof. And what was to be the punishment? Twelve months' imprisonment with hard labour! A more tyrannical procedure could not be devised, even against the serfs of Russia.

COLONEL DUNNE said, that the hon. Member for Manchester possessed as little knowledge of the law upon this subject as he did of the facts to which it related; and he was surprised that the hon. and learned Member for Dundalk should have adopted the authority of that hon. Gentleman upon this subject. The real question for the House to decide was, whether the existing law was in so satisfactory a state as not to require any alteration. In his opinion the law as it at present stood afforded no remedy to the landlord. He would ask whether the Government would allow the law to remain in that state? Was there, in fact, to be no such thing as the recovery of rent in Ireland? No Irish landlord would ask for more power than was absolutely necessary. He had lived among the Irish people for years, and his family had done so before him for centuries; he was, in fact, one of them; and he would fearlessly say, that that man would speak falsely who should assert that the landlords of Ireland required unnecessary powers over their tenantry. The oppressions exercised by the landlords of Ireland over their tenants were not to be compared in severity with the hardships endured by the factory labourers of England under their exacting taskmasters.

MR. C. ANSTEY opposed the Bill. He considered the hon. Member for Dundalk quite correct both in his law and in his facts. The principle of the measure was simply this, that if a tenant, however conscientiously, presumed to differ from his landlord as to the extent of his liabilities towards him, as to whether, perhaps, he owed him any rent at all, the landlord was to be in a position to remove the settlement of the question from a civil into a criminal court, and to subject the unfortunate tenant to fine and imprisonment, with or without hard labour, for a twelvemonth, leaving the tenant who would not submit to this tyranny no other alternative than a resort to agrarian justice. As to fraudulent removals, they were sufficiently provided against by the existing law. It was said that the Bill was merely to prevent tenants from moving their crops by night; why, the unhappy men were so engaged during the day, in the employment, perhaps, of the very landlord who was oppressing them, that they had only the night in which to attend to their own concerns. There were two principles which ought to govern any law upon this subject: one was that nothing should be done to prevent the tenant selling his own produce at the time he pleased himself; and the other was, that a distress should be levied at such a time as to avoid the probability of a disturbance of the public peace. Both those principles the present Bill violated. There was no provision in it to make the existing law more effectual than it was at present. It was a piece of landlord legislation, and, however acceptable it might be to the class represented by the hon. and gallant Colonel, it would be scouted by every man who wished to maintain peace and tranquillity in Ireland. He deprecated the idea of discussing a Bill of this nature in a House with not fifty Members present, and at the fag end of the Session; and, in order to get rid of the measure, he should conclude by moving that the debate be adjourned.

Motion made, and Question proposed, "That the debate be now adjourned."

Mr. ALCOCK hoped this Bill would not become law, for he considered that it would be very detrimental to the interests of Ireland. Nothing, he believed, would tend more to the advantage of that country than the introduction of English farmers, of English enterprise, and of English capital; but if an English farmer who settled in Ireland attempted to reap his crops by night, he might, under this Bill, be committed to prison, tried, and sentenced to hard labour. He knew an English farmer who went to Ireland two years ago, and who occupied 1,000 acres of land in the county of Galway, who would be precluded by this measure from working after sunset or before sunrise. A large portion of the land in Ireland was subject not only to rent, but to rent-charge. Although, therefore, a tenant might have paid his rent, the rent-charge might be due, and, if the tenant proceeded to reap his crops within the prohibited time, he might be informed against, fined, and punished with hard labour.

Mr. HENLEY thought it was unfortunate that the law of Ireland was not the same as in England. ["Hear, hear!"] The English farmer was liable to punishment for the offence here. He knew the hon. Gentleman was a magistrate for Surrey, and he had no doubt similar complaints had been made to the hon. Member as to himself (Mr. Henley) of tenants taking away goods to prevent their being distrained for rent. The law, however, gave power to the landlord to follow them for thirty days; and if he did not then recover them, he could proceed against the tenant, who would be liable to six months' imprisonment. He could not see why this was not extended to Ireland; for he believed the only remedy at present was, to bring an action for double the amount of rent, thus making it a simple debt.

Sir W. SOMERVILLE thought the subject had been discussed with more warmth than was called for. All the Gentlemen who had addressed the House had admitted that frauds had taken place in consequence of the farmers carrying off the crops to avoid the payment of rent. It was not denied that it was desirable that there should be some provision in the law to meet such cases. He had said, on a former occasion, and he then repeated, that all he wanted was a minimum punishment which would put a stop to a state of things which all must condemn. He did not think this question had anything to do with the relations of landlord and tenant. It was clear they must adopt some steps to put a stop to this practice, and he considered the object of the present Bill was merely to put down these frauds. An hon. Gentleman said that this was a landlord's alarm; but he (Sir W. Somerville) considered such a statement to be a calumny on the tenantry of Ireland. The system did not merely demoralise those who were parties to carrying off the crops, but when they were taken away, they were taken to the houses of other farmers, who, against their will, were obliged to take them in. He was sure the great body of the farmers of Ireland would be glad to see an end put to the practice. When they got into Committee they could calmly consider whether some means might not be adopted to put an end to these frauds.

Mr. MOORE did not object to the objects of the Bill, but to the means proposed for carrying them out. If such a conspiracy as had been referred to existed among any large body of the tenantry in Ireland, to remove the crops in order to defraud their landlords, he contended that it was the duty of the Government to have brought forward a Bill on this subject at an earlier period of the Session. If a Bill of this kind were brought forward upon their responsibility, he would willingly consent to any reasonable measure for repressing so monstrous an evil. But the real fact was that Irish landlords, pressed by the necessity of the times, had laid their heads together in another place, and had devised this Bill to facilitate the collection of their rents: and he strongly objected to such a mode of legislation, as establishing a most dangerous precedent.

Mr. S. CRAWFORD concurred with the right hon. Secretary for Ireland in wishing to prevent frauds; but he would not endeavour to do so by a one-sided Bill, which would prevent frauds on the part of the tenants, while it left the frauds practised by landlords unrestrained. He considered it a fraud on the tenant that, when he had made improvement on the soil, an enormous rent should be demanded from him which he was unable to pay, and that the landlord should then take posession of the produce of his tenant's capital and labour.

Mr. P. SCROPE hoped the House would bear in mind the cheers with which the observations of the hon. Member for Oxfordshire had been received, that the law of England should be applied to Ireland on the subject of landlord and tenant. If they acted on that principle, to which they had by their cheers almost pledged themselves, they would remove various objectionable parts of the Bill. Should they go into Committee, he trusted they would content themselves with putting the law affecting Ireland on the same footing as the law of England. He had a great objection to legislating on the subject at this period of the Session. There were provisions in the Bill so offensive and insulting to the tenantry of Ireland, that it was impossible the House could assent to them. The grievances of the Irish tenantry were innumerable. One of the worst of those grievances would be aggravated by the Bill, inasmuch as, having to pay rents on a range of prices which had been materially changed by the legislation of that House, and calculated on the supposition of successful potato crops, tenants, if they did not pay their rents to the last farthing, would find that by the Bill power was given the landlord to prevent them from selling their produce as they saw fit, and from carrying away their crops for the purpose of sale. They would find also that any informer might bring evidence against them to show that in the removal of their crops they were acting in a fraudulent manner. The effect of such legislation would be to encourage landlords to maintain extravagant rents, and keep alive that unfortunate state of feeling between landlord and tenant which it was so desirable to alter. The depopulation of Ireland had been proceeding rapidly; no fewer than 100,000 families had disappeared within the last year or two. Tenants ought to be protected from harsh and cruel evictions. The common law was said to be sufficient to prevent these; but an Act was passed not long ago to provide an effectual check. It was notoriously a dead letter. The right hon. Secretary for Ireland received many accounts of evictions from the constabulary; and it might be asked why those returns were not produced? The effect which such evictions had in forcing numbers of the Irish population to come to this country, showed to what an extent the people of England felt on this subject. The Bill would tend still further to encourage evictions and promote the depopulation of Ireland. A just measure would give advantages to tenants as well as to landlords.

Mr. R. M. FOX observed, that the Bill made every man to whom another paid rent a landlord under its provisions; so that not only a landlord in the proper sense, but every agent or driver, could prevent a man from digging a potato in his garden. One of the clauses would prevent a man from removing any of his chattels, and vehicles might be seized as if they were the property of the man whose house they were leaving. The provisions of the Bill were of so arbitrary a character that he could not, under any circumstances, give them his support. If the question of adjournment were negatived, he would be prepared to present his views in detail.

Question put.

The House divided:—Ayes 22; Noes 46: Majority 24.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Mr. REYNOLDS then moved that the House do adjourn. The House ought to adjourn in order that the subject might be more fully discussed. In Manchester the ratepayers paid 28,000*l.* in one year for outdoor relief to Irish paupers. [Mr. M. J. O'Connell: Question!] He was glad the hon. Member for Kerry, who was fond of interrupting him, was before him on this occasion; the last time he interrupted him he was behind him. [Mr. M. J. O'Connell: No!] On the last occasion the hon. Member was behind him. [Mr. M. J. O'Connell: That is not true.] The hon. Member stated that what he (Mr. Reynolds) said was not true. [Mr. M. J. O'Connell: I never interrupted the hon. Member sitting behind him.] He would call upon the hon. Member not to interrupt him any more. [Mr. M. J. O'Connell: Question, then.] Mr. Speaker would be the judge whether he was speaking to the question, not the hon. Member. What he (Mr. Reynolds) said might be unpalatable to certain persons who imagined themselves landlords, but were not landlords, either in the present or the future tense; and they appeared the most turbulent portion of the Irish landlords in the House. [Dr. Nicholl rose to order. The hon. Member did not address his observations to the question.] He should be very sorry to be considered disorderly in the mind of a Gentleman who took a reasonable view of the subject, and the right hon. and learned Gentleman was such an one; but there ought to be some latitude allowed. It was not just to the people of Ireland, after all the arguments brought against this Bill, to force it into Committee at half-past one in the morning—["Half-past twelve"]—well, half-past twelve. It might be inconvenient to him to remain in London during the entire of this month, but he would do so if he could be instrumental in defeating this Bill, which he considered an unjust attack upon his countrymen. He would proceed to call the attention of the House to the preamble.

Mr. SPEAKER must remind the right hon. Member that he was going again into the merits of the Bill, and not discussing the question of adjournment.

Mr. REYNOLDS wished to show reasons why the House should adjourn. He would not trespass further than by repeating what he had already stated, that he should offer all the opposition in his power to this Bill, and expressing his regret that the Government should give their sanction to a one-sided Bill like this. He would not go again into the merits of the Bill; but he hoped the House would adjourn.

Whereupon Motion made, and Question proposed, "That this House do now adjourn."

Mr. M. J. O'CONNELL begged to say, that he remembered the occasion to which the right hon. Member referred when he accused me of interrupting him behind his back. He did not do so. He should be particularly careful in his conduct towards a person after the cessation of a previous friendly intercourse. The whole subject before the House had been debated, and Gentlemen, instead of going into Committee to proceed with the Bill, made the same statements over and over again.

Mr. C. ANSTEY was surprised at the lecture which the hon. Member for Kerry had bestowed upon the opponents of the Bill; because the history of Parliament could show no person who had more distinguished himself than the hon. Member by Motions of adjournment, for the purpose of obstructing Sir Robert Peel's Administration. [Mr. M. J. O'Connell: Never.] Oh, yes! He remembered the hon. Member's conduct with regard to the Arms Bill. Now, he (Mr. Anstey) acknowledged that he wanted to defeat the present Bill. For that object he had moved the adjournment of the debate; for that object he supported the present Motion; and for that object, when the present Motion should be disposed of, he would repeat the Motion he had already made. The Government had abandoned their remedial measures for Ireland on the ground that there was not time to consider them; but they found time to press this penal measure.

Mr. BROTHERTON thought that something ought to be done for the prevention of irregular debates. In the present temper of the House, it was perhaps advisable to consent to the adjournment of the discussion.

Lord C. HAMILTON complained of the numerous speeches against time which had been made by the opponents of the Bill, and in particular of the painful effort of the hon. and learned Member for Dundalk. He protested in the face of the country against such a disgraceful abuse of a privilege. Those who had been guilty of it showed little regard for the dignity of the House, to say nothing of their own character. The House ought, if possible, to visit with some censure the efforts made to impede the progress of public business. [Mr. Anstey: Oh, oh!] He was aware that the hon. and learned Member was unable to comprehend anything about the dignity of the House, and he dared to say that the hon. and learned Member, in his cups with his companions, would rejoice in what he had done. It was not to be expected, however, that the hon. and learned Member should be able to understand or appreciate the dignity of that House. He was only capable of turning it into ridicule.

Mr. C. ANSTEY wished to take the opinion of the Chair upon the language of the noble Lord. The noble Lord had spoken of him as a person incapable of comprehending what appertained to the dignity of the House, and said that when in his cups with his companions he would turn it into ridicule. He wished to know whether that was Parliamentary language, and, if it were not, he hoped Mr. Speaker would visit the noble Lord with censure.

Lord C. HAMILTON disclaimed having used the words imputed to him. He had said that he dared say the hon. and learned Member would do as described.

MR. SPEAKER: The noble Lord says he did not use the words, which must be satisfactory to the hon. and learned Member. The words are certainly not Parliamentary.

LORD C. HAMILTON said, the conduct of the opponents of the Bill in making such frivolous and vexatious speeches on the subject of adjournment was highly reprehensible. It was too bad that the progress of wholesome and salutary legislation should be impeded by such practices. It was all very well to talk about the rights of a minority, but it should not be forgotten that the majorities also had rights which ought to be respected. The conduct of the hon. and learned Member who was pursuing a course so factious and mischievous to defeat a Bill which would be so beneficial in Ireland, and the object of which was simply to prevent the illegal carrying away of crops, was like that of a vicious boy who might place a plank upon a railway line to overturn a train.

MR. BRIGHT would remind the noble Lord that during the debate on the Franchise Bill he had himself divided the House no less than eight times on questions which the House had uniformly decided to be frivolous and vexatious. He (Mr. Bright) had observed, during the evening, that no lawyer had spoken in favour of the Bill; and on that ground he thought an adjournment necessary. Of the law officers of the Crown, only the hon. and learned Solicitor General for Ireland was present, and he had preserved a profound silence. They ought not to go into Committee on the Bill till they had the opinion of the law officers of the Crown, and knew whether the principal Members of the Government supported it. Till they had that opinion they were entitled to move the adjournment of the House with the view of obtaining an adjournment of the debate. And no imputation of factious opposition should prevent him from supporting such a Motion. He was astonished at the conduct of the Government, who had not the manliness to support the Bill, though there was no doubt it was suggested by the Lord Lieutenant.

VISCOUNT PALMERSTON thought it impossible to go into Committee at such an hour, and in the then temper of the House, with the prospect of making any progress; and, therefore, the House had only to consider whether they would adjourn the debate, or go into Committee *pro formâ,* in order to allow the opponents of the Bill to give notice of any changes they might think it expedient to make. He did not feel that any justification was necessary for the conduct pursued by himself and his hon. Friends. It was said that a practice prevailed which no one could justify of abstracting that which was to secure the landlord the payment of his rent. If that practice did exist, it was a fraud and injustice, and should be prevented. It really was no advantage to the tenants to permit them to practise fraud, for it could not lead to good, and if a tenant began by defrauding his landlord of half a year's rent, he could not expect to be continued on his land, and he (Viscount Palmerston) held that they did the tenant good by preventing his expulsion. As to the principle of the Bill, therefore, he thought that, as a measure to prevent such fraudulent practices, it deserved the consideration of the House. He did not, however, pledge himself to the details of the Bill, and suggested that hon. Gentlemen on both sides should come to an understanding respecting it. As to the two proposals before the House, it was "an even toss-up" between them.

MR. NAPIER would, as a lawyer, remind the hon. Member for Manchester, who had taunted the lawyers with not having expressed any opinion on the question under discussion, that both in England and Scotland the case of the fraudulent removal of crops liable to distress for rent was, by law, punishable as a criminal offence. He would ask the hon. Member for Manchester what remedy he proposed to give the landlord against these frauds? If the landlord turned off the tenant, he was denounced as an exterminator, and his murderers would find some in that House to palliate their crime. He was to be denied the power of distraining for rent, and thus no remedy would be left to him against these frauds and robberies. This fraudulent removal of crops was no new thing. He had just received a letter stating that in one part of Ireland they had commenced putting it in practice already, and that if something was not done, "blood would be shed." If hon. Gentlemen opposite wished to take the responsibility of that blood, let them do so; but he would seek to promote the passing of the Bill by every fair means in his power.

MR. HAWES thought he had perceived that the suggestion which had been thrown out by the hon. Member for Oxfordshire during the discussion—namely, that the law should be assimilated in England and Ireland—was received with general approbation by many of those who were carrying on the opposition to this Bill. Why not go into Committee *pro formâ* then, in order that any alteration which the hon. Member for the University of Dublin might wish to suggest might be printed for discussion hereafter?

Mr. G. A. HAMILTON appealed to hon. Gentlemen opposite to adopt those proposals. Surely no hon. Gentleman could approve of fraud and injustice. The law existed in England, and no one complained of it. Let the House go into Committee *pro formâ*, that the hon. Member for Oxfordshire might bring forward his Amendments.

Mr. TORRENS M'CULLAGH thought that if they were colonists or British subjects in foreign countries, they would, no doubt, get justice from the hon. Gentleman the Member for Kinsale, and the noble Viscount the Foreign Secretary, but had not a chance of being treated as Englishmen, because they were mere Irish. The hon. Member for Oxfordshire had censured the Bill because it did not assimilate the law of Ireland to the law of England; and the hon. Gentleman the Member for the University of Dublin coolly asked them to go into Committee for that very reason. A tenant who committed a fraud in England was committed to prison in default of payment of the sum defrauded, but they should not confound such a just law with the provisions of that Bill.

Mr. NEWDEGATE said, that as the ground of the debate was now entirely changed—the proposal that seemed now to be most in favour being simply the assimilation of the law in Ireland to the English and Scotch law on the subject in dispute—he wished it to be understood that those who continued to refuse the application of a remedy for a state of things under which there was evidence of the existence of an organised system of fraud and violence, were, in so doing, pursuing a course which was nothing short of justifying, if not supporting, a violation of the laws of property in Ireland.

Viscount PALMERSTON then said, as it was impossible the debate could lead to any result, it would be better that it should be adjourned.

Mr. REYNOLDS would withdraw his Motion for the adjournment of the House.

Motion, by leave, withdrawn.

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate adjourned till To-morrow.

Mr. M. J. O'CONNELL wished to say, in reference to an accusation that had been made against him in the course of the debate, that when the Irish Arms Bill was before the House he had followed the system now complained of, of repeatedly moving adjournments for the purpose of obstructing the Bill, that he had not taken that course, and in support of his statement he could refer to *Hansard*.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Wednesday, August 7, 1850.

Their Lordships met, and having gone through the business on the paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, August 7, 1850.

Minutes.] Public Bills.—1ª Transfer of Improvement Loans (Ireland); Lough Carrib Improvement Company Compensation (Ireland).

2ª General Board of Health (No. 3); London Bridge Approaches Fund; Law Fund Duties (Ireland).

3ª Stamp Duties (No. 2); Marlborough House; Assessed Taxes Composition; Assizes (Ireland); Police Superannuation Fund; Canterbury Settlement Lands; Turnpike Acts Continuance, &c. (No. 2).

INCUMBERED ESTATES (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. G. A. HAMILTON said, in moving the Second Reading of this Bill, he felt it necessary to make a few observations. He was aware that, at the present period of the Session, when so many Members had left town, the Bill was at the mercy of the Government; and he feared, from the intimation just given him by the hon. and learned Attorney General, he had little consideration to expect from them. The principle of the Bill was to place some restriction, to put a drag, upon the operations of the Act of last year. Whatever might be the opinions held with regard to that Act, every one, he thought, would admit that nothing but strong considerations of policy could justify it, and that its operation should be limited strictly to those cases which rendered it justifiable. And he further thought that no one could deny that, both in its operation and as regarded the nature of the property brought into market, it had gone further than even its framers contemplated. With regard to the extent of its operations, it appeared, from a statement recently made by a most respectable deputation of solicitors from Ireland, that, up to the 3rd June last, estates were brought into the court for sale, exhibiting a rental of no less than 625,000*l.*, and subject to incumbrances to the extent of 10,100,000*l.* Since that period many other estates had been brought into court; and there was no doubt that, in October next, there would be property for sale under the Commissioners which it would require from 6,000,000*l.* to 8,000,000 to purchase. The obvious effect of such a mass of property being brought into the market, would be a great depreciation in its value, and ruinous in its consequences not only to the owners, but to many of the puisne creditors. With regard to the nature of the property brought under the Act, the object and policy on which the Act was justified, was the improvement of the social condition of Ireland, especially with reference to her agricultural population. But, on taking up the list of properties, he found that a great deal of house property in Dublin, Limerick, and elsewhere, were brought under the Commissioners. He could not conceive on what grounds house property in cities should be allowed the advantage of a Parliamentary title, and the owners and puisne creditors injured, and the mass of property in market thereby increased, inasmuch as property of that kind had no bearing upon the social improvement of the population. The provisions of the Bill were only three: the first clause went to repeal the provisions of the Act by which an estate, no matter how small the incumbrance, if under a receiver, might be sold under the Act. The House was aware that in all other cases a property could not be sold unless incumbered beyond half its value. This would be some restriction. The second provision was, that no estate could be sold without the consent of the proprietor, unless it should bring at least fifteen years' purchase. He would confess he had doubts as to this provision. He would prefer that of which his hon. and gallant Friend the Member for Portarlington had given notice—that no estate should be sold without the consent of the owner, unless more than one year's arrear of incumbrances was due; and the third provision was, to enable the Commissioners to grant a protection against arrest to the owners of property while engaged in attending to the sale of their estates. In support of these provisions, he had received many communications. He would trouble the House with one out of many instances applicable to each. He held in his hand a statement of a case to the following effect: An estate worth 800*l.* a year; the rents paid regularly up to 1846; the only charge an annuity of 300*l.* a year for the life of an old person; the annuity paid regularly to 1846. Consequent upon the failure of the potato crop in that year, the rents failed. A receiver was appointed at the suit of the annuitant. The receiver was unable to collect the rents. Three years' annuity became due. The annuitant brought the estate into court, and it is now for sale under those circumstances. With regard to the justice of affording protection from arrest, he would adduce the following case: Some time since the solicitor of the petitioner, a creditor, applied to the proprietor of an estate with the full approbation of the Commissioners, for his assistance in dividing his property, and in making out a proper rental — the agent having absconded after embezzling a large sum, and keeping all former rentals, counterparts of leases, accounts, and all documents of importance—here was a case in which the attendance of the owner was actually indispensable both to the Commissioners and for the interest of the creditors. After much exertion, some of the creditors were induced to promise for a short term not to put the proprietor to prison; but others refused to give any promise, and some small creditors would not give him an hour; he was twice arrested, and lodged in gaol for small sums, at the very time he was doing his utmost to put the property into good order for sale; and though thus occupied, he at this moment is not sure of his liberty for one hour, and if arrested cannot now pay even the smallest sum. He (Mr. Hamilton) would not trouble the House further; he thought he had said enough to show that a case existed, in policy and in justice, for the second reading of the Bill.

The ATTORNEY GENERAL objected both to the principle and details of the Bill, and begged to move that it be read a second time that day three months. It was founded upon a total misapprehension of the whole object and scope of the Incumbered Estates Act of last Session. When a gentleman mortgaged his property, he did it by entering into a contract, by which, if the money was not paid at the time and under the circumstances agreed upon, the mortgagee had the power to require the land to be sold for the purpose of making good the payment of the debt. A state of things, however, having arisen in Ireland to make it impossible to enforce this contract by the ordinary process of the law, the object of the Incumbered Estates Act of last Session was to introduce a new tribunal to give it effect, and to enable that to be done in reality which the ordinary law only did nominally. The present Bill seemed not only to proceed upon a different and opposite principle, but upon a total mistake as to the facts; and, moreover, it attempted to carry its object into effect in a ruinous manner, even if the principle were correct. It proceeded upon the assumption that sales took place at an under value, and it proposed to enact that no sales should be allowed to take place at less than a particular value. Now, he ventured to say, after the most careful examination of every particular case that had been mentioned, that no sale had as yet taken place at an undervalue. The rentals of many of the estates were fixed at considerably larger sums than the actual rental amounted to, and when an estate was sold under the Act, the number of years' purchase at which the property was sold was calculated upon this high, and not upon the actual, rental. A case had recently occurred in which an estate in Galway had been sold for 4,000*l.*, the rental of which was stated to be 400*l.* per annum, or only ten years' purchase, while the average rental of the estate for a number of years had not exceeded 150*l.*, making the purchase money equal to upwards of forty years' actual rental of the estate. Another proof of the high prices at which estates were sold under the Act, was to be found in the fact, that many English and Scotch capitalists had refused to purchase property at the sales under the Commissioners, in consequence of the high prices which they realised. It had been repeatedly stated, that one estâte had been sold at one and a half year's purchase. On a former occasion he stated the circumstances connected with that sale, and intimated his conviction that it was a dear purchase. The circumstances which had since occurred had verified that opinion; for, upon the condition of paying the expenses connected with the sale, the purchaser had been allowed to get rid of it, and the estate had since been sold at a little less than two-thirds of the sum which he gave for it. When you talked of so many years' purchase, it was quite impossible, on the face of it, to know what was meant, whether the nominal rental, or the actual value. A most prejudicial state of things had grown up in Ireland in this respect, which the present Bill was eminently calculated to continue. No sooner had land presented itself for lease, than a host of tenants offered themselves, each outbidding the other, and all promising to give not only infinitely more than the land was worth, but infinitely more than they could ever pay; the result of which system had been the extension and perpetuation of pauperism for the tenant class, and for other classes an altogether erroneous notion of the value of property in Ireland. In its immediate results this system had, nr doubt, been advantageous to the landlords, for it had enabled them to borrow double the money upon land thus let at double its value; but the double value was never realised, for the simple reason that it was utterly impossible for the tenant to pay it, and landlord and tenant had thus hanging over them liabilities which neither could at all meet out of the land purporting to be the security. The system had been for the tenant to promise to give for the land anything that was asked, more than was asked, and then, himself and his family living upon the smallest quantity of the produce that sufficed for their sustenance, to pay all the rest over to the landlord, meeting, so far as this would go, the rent. The large nominal rentals placed against the announcements of sales under the Act, were a positive evil as regarded these sales. He was prepared, upon the best information, to state that estates of the value of, say, 1,000*l.* per annum, and which were let for 1,000*l.* a year, produced as much as estates of the same real value, but which let for 2,000*l.* per annum. Where, then, estates in Ireland were said to be sold for twenty years' purchase upon the rental set under the old system, the exceeding probability was, that the actual result of the sale had been forty years' purchase. There was one fact which he considered as a marked tribute to the value of the Act of last year, as now better understood; that whereas at first the applications for sales proceeded principally from incumbrancers, almost all the more recent applications had emanated from the owners. He deeply regretted that so one-sided a measure as this should have been sent down to them from the House of Lords; and he still more regretted that, its whole object being the advantage of the Irish landlords, at the expense of their creditors and tenants, its author should have been an Irish landlord. He regarded the Bill as a Bill to repeal the Incumbered Estates Act. Pass the measure, and there would be no Parliamentary title for any estate sold under that Act, and there would be no purchaser for any such estate. The effect of the Bill would be to encourage the Irish landlords in their old system of letting their lands at impracticably extravagant rents, pauperising the tenants, and perpetuating a fictitious value of land in Ireland; to enable them to avoid the contracts they had made for their own debts; and to give them more stringent means than ever for enforcing from the tenant the payment of his preposterous rent. Hon. Gentlemen talked of the enormous number of the sales that had taken place under the Act. When he considered the extent of Ireland, her population, and the circumstances of the country, he did not regard the number of sales as in any degree surprising; and, moreover, he did not consider that the prices realised were, upon the whole, under the real value, though even had they, so far, and under the circumstances, been somewhat under the mark, he should have urged the House to let things take their course, satisfied that this course would in no great time prove most beneficial to the country. As to the quantity of land sold, if all the land sold every year in England was sold by one set of persons, and the result placed in one document before the public, that result would represent a very large extent of sales indeed, and be made quite as much matter of surprise as the extent of land sales in Ireland. The protection clause in this Bill was peculiarly obnoxious: it amounted to this—that because a person had applied to the Commissioners to have his land in Ireland sold, he might have protection from his creditors, though all the while he might have 100,000*l.* in the funds, or any amount of property elsewhere, and live luxuriously, in utter defiance of his creditors. There was already an Insolvent Debtors' Court in Ireland, to which, persons there who desired honestly to make their property available for their debts might apply, receiving the protection of the court meanwhile in their ordinary course.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. BRIGHT seconded the Amendment.

Mr. F. FRENCH said, he had heard with extreme surprise the speech just delivered by the hon. and learned Gentleman the Attorney General. The hon. and learned Gentleman had said that that measure had been framed solely with a view to promote the interests of the landlords in Ireland; but he (Mr. French) felt persuaded that a more incorrect statement than that had never been made. He could not help believing that not the owners but the puisne creditors of the property submitted for sale in the Incumbered Estates Commissioners' Court had reason to complain that the sales had been pressed forward with a haste which had tended very much to diminish the amount realised by that property. The hon. and learned Gentleman was aware that in the property at present before the court, the owners could not be said to have any interest. The rental of the property advertised for sale was 625,000*l.* a year, the incumbrances on which were 10,900,000*l.* The price which that property might bring was to the owner of no moment, but was to the puisne creditors of vital importance, in many cases whether they were to be deprived of the hard earnings of their life; and for endeavouring to protect this class Irish Peers and Members of this House were to be vituperatively assailed by the first law officer of the Crown in statements totally destitute of foundation. The hon. and learned Attorney General had stated that the land hitherto sold in the Incumbered Estates Court had been sold at its fair value. But the hon. and learned Gentleman possessed no personal knowledge upon that subject, and could only speak from the information he had received from the Commissioners, who were naturally desirous of giving the most favourable colouring to the transactions over which they presided. In order to prove that the property sold in that court had not brought anything like its real value, he had only to appeal to the fact that it had been disposed of at an amount far below what might fairly have been expected under the very moderate poor-law valuation. There had been repeated instances of estates having been sold in that court at less than one-half the amount of the sums which had been refused for them a few years previously. He believed that the Bill at present before the House would tend materially to counteract the evils of the system under which property was at present sacrificed in Ireland. The Incumbered Estates Commission was to last three years. The Commissioners had now nine-tenths of their whole business before them. All the estates that were in Chancery were immediately put under the commission by the solicitors in charge of them; and those not in Chancery, but within the operation of the Bill, were brought before the commission by the solicitors of the creditors, each struggling for the carriage of the sale for himself. It might, therefore, be asserted without fear of contradiction, that the greater part and the most important part of the business of the commission was now before it. The preliminary inquiries, surveys, valuations, &c., were all proceeding cotemporaneously, and in two months more estates of the gross value of over 1,000,000*l.* per annum will be ready for sale. It, therefore, became a matter of the most vital importance that the public and the profession should know what course the Commissioners intended to pursue in disposing of this vast mass of property. They seemed to consider, recently, that the course of preparation for a due and proper sale was too tardy for their views, and they intimated to several solicitors who were determined that no undue advantage should be given to speculators by having estates put up before ample inquiry and complete particulars of sale were prepared, that they, the Commissioners, wherever they conceived that proceedings were not carried on with sufficient celerity, would hand over the carriage of the sale to a solicitor appointed by the court. This determination was publicly expressed, and the fortunate gentleman who was to be selected, was publicly named. This gentleman was a near connexion of one of the Commissioners. Since the attention of Parliament had been called to the proceedings of the Commission, this plan, if not abandoned, had, at least, not been acted on. The Commissioners were, he understood, about to continue their sittings during the months of August and September—a period when merchants, bankers, and all professional men, retire from business and go into the country. The Commissioners should now regulate and control the vast mass of business they had before them, and settle at what periods and in what quantities they would bring the estates into the market. If their expressed intention of transferring any sales, which they considered too tardily conducted, meant anything, it amounted to this, that as soon as the preliminaries were settled, they would sell all the estates as speedily as possible. When the Legislature assigned three years for the duration of the commission, it never intended they should exercise all their powers in the first year of their existence: should they persist in so ruinous a course, it would amount to confiscation. Should they persist in their intention of sitting during the vacation, it would operate most injuriously upon the sales; for instance, what professional man, banker or merchant, would be found in London during the months of August and September, to whom the particulars of sale of any estate could be submitted? If they persevered in this course, whoever else might purchase, English capitalists would certainly not abandon the only season of recreation which they enjoyed, and which from long habit had become second nature, to attend the sittings of the Commissioners in Dublin. The only mode by which the Commissioners could be controlled in the exercise of the unlimited discretion which had been so unwisely given to them, was by a strong expression of opinion in Parliament, and bringing before the English Members such matters as no fair man could dissent from. He was happy to say the notice of prices which had been taken in that House, had already some trifling effect on the Commissioners, who had postponed some sales for want of anything like a reasonable offer. Precipitate as they were in selling land, they were altogether slow in distributing the money realised from these sales, although they must know that upon the speedy distribution of that money naturally depended the improvement of subsequent sales. Of the 525,000*l.* received by them, not more than 70,000*l.* had been distributed. They had, it was true, on account of the notice taken in Parliament, undertaken to distribute 525,000*l.* before their vacation, which would, probably, be of material service in the sales advertised to take place in October and November. Of this 525,000*l.*, one-half had been received for purchases in the city of Dublin, and the counties of Meath and Westmeath—

districts, the social condition of which did not require a measure of the kind. In Clare, land to the value of 7,000*l.* only had changed hands; and in the entire province of Connaught the whole sum realised was about 70,000*l.* The Bill was essentially a remedial measure; and though he could not defend an attempt to effect an economical impossibility, by fixing a minimum price of land, still he thought it advisable to correct a literal error in the original Act, by which a forced sale of lands might be urged on, if the smallest part of them was subject to a judgment, and but reasonable to protect an owner of such land from arrest pending proceedings.

MR. SCULLY would support the hon. and learned Attorney General in his opposition to this Bill, and he only regretted that the hon. and learned Gentleman had not as earnestly and vigorously opposed Bills of a similar nature on former occasions. An attack had been made upon the Incumbered Estates Commissioners, on the ground that they forced the sales of land, but the fact was, that the owners themselves were the parties who sought to effect sales. The objection of the hon. Member for Roscommon as to the non-distribution of the proceeds of the sales, was answered by a statement which had been issued by the Commissioners, to the effect that an amount of from 360,000*l.* to 370,000*l.* would be distributed in the course of a month or two. It must be remembered by those who complained of the price at which estates were sold, that the value of the property might be affected by many circumstances, as the amount of rates, the number of tenants, the distance from market towns, and the nature of the roads. His own opinion was, that many of the purchases would be found rather dear by the buyers. Ireland had suffered much from the system of absenteeism; but it was only just to say, that many Irish landlords resided upon their estates, spending their money in affording employment to their tenantry, and discharging their duties as magistrates and poor-law guardians most efficiently. He did not think, however, that this Bill would afford any relief to such parties. He considered that other measures ought to be adopted for that purpose, and no doubt they would be adopted were it not for the resistance of noble Lords in another place, who supposed themselves to be the true friends of the landlords, while they opposed measures best calculated to afford them relief. He alluded especially to the Bill proposed by the Government for improving the Irish poor-law, which contained clauses that he believed would have been attended with great advantage to the resident gentry of Ireland. He did not think this Bill would be of any practical benefit to those classes, but it would prevent sales of property which he considered absolutely essential to the welfare of the country. He regretted the Government had abandoned the Securities for Advances Bill, for he believed if that Bill had been adopted this Session, leaving it to be amended if necessary next year, they would not hear the complaints made by hon. Gentlemen opposite that land in Ireland was sold below its value.

MR. STAFFORD expressed his regret that the hon. and learned Attorney General had thought fit to censure the House of Lords for the course they had taken with regard to this subject. Such a censure was an unfortunate exception to the rule usually observed in that House, and it was, in his opinion, especially ill-timed when the Members of the other House seemed not disinclined to waive their own opinions on certain questions. After carefully considering the position of Irish landlords, and reviewing the whole question of incumbered estates, he had come to the conclusion that the best course would be to let the Incumbered Estates Act work as it now stood, and not by passing this Bill to increase the difficulties of carrying out that measure and diminish the small chance of success. He thought the provision contained in the 4th clause of this Bill relative to the fifteen years' purchase might be applied in a manner which the framers and promoters of the Bill had not contemplated; for, if they attempted to fix a minimum rate for the purchase of land, they might set a precedent for fixing the rent of land. He agreed in the observations of the hon. Member for Tipperary, with regard to the Securities for Advances Bill. He regretted that that Bill had not been passed; and he did not think the opposition with which the measure had been threatened was such as to justify the Government in abandoning it, backed as they were by so many promises of support, without reference to party distinctions, from both sides of the House. He understood, however, that it was the intention of the Government to bring that Bill forward again at the earliest possible period next Session, and to pass it through both Houses. He considered that there were in the present Bill some very dangerous provisions, and he would therefore record his vote against it.

The ATTORNEY GENERAL explained that he had not meant to make any charge against the House of Lords when he expressed his regret that this Bill had emanated from that House. He might observe, also, that he had always entertained and expressed a high opinion of the exemplary conduct of Irish landlords generally under the difficult circumstances in which they had been placed.

Colonel DUNNE said, he had not been surprised at the attack which had been made by the hon. and learned Attorney General, though in no coarse or vituperative language, upon the landlords of Ireland; nor was he surprised at the opinion expressed by that hon. and learned Gentleman with reference to this Bill. He (Colonel Dunne) considered it most unjust to force the land of Ireland into the market at this moment, when the country was still suffering from the effects of a famine, and when an immense tax was imposed upon the landed proprietor for the support of the poor. He looked upon the Incumbered Estates Act as a measure of confiscation; and he thought its operation should be as much as possible restricted. With that view he supported this Bill. He had a statement, from which it appeared that some estates had been sold at three, some at four, and others at five and at six and a half years' purchase. Was it right to sell these estates in such a time of depression? And then with regard to the poor-rate. He did not object to the support of the poor, but he did object to their support being thrown all upon one class, the mortgagee and the annuitant escaping. But this was not merely a landlord question, it was a creditors' question. He knew of an estate which produced 3,500*l.* a year—62,000*l.* had been advanced upon it, and it was sold for 45,000*l.*, the creditors losing 17,000*l.* and the proprietor getting nothing. He had had communications with gentlemen who informed him that the property now in the hands of the Incumbered Estates Commissioners would hardly sell for the amount of the incumbrances upon it. He considered it preferable to fix the power of sale at a certain number of years' purchase, say fifteen, instead of leaving the value of an estate to be estimated at the caprice of any three Commissioners. He thought it had been admitted by the hon. and learned Attorney General that the Incumbered Estates Act had been an utter failure. The promises held out, that under that measure English capital would be invested in Ireland, had not been realised; outrages had not diminished; and the hon. and learned Gentleman had introduced a Bill to enable new proprietors to incumber their estates. He would give his vote for the second reading of this Bill.

Mr. BRIGHT said, he was not surprised at the rebuke which had been offered by the hon. Member for Roscommon and the hon. and gallant Member for Portarlington to the hon. and learned Attorney General for what they termed his attack upon the House of Lords. But with regard to the question before the House, it appeared to him that it would be impossible to state the facts of the case without expressing a strong opinion on the other branch of the Legislature, and especially with regard to the Bills which had passed with such unusual rapidity through the other House of Parliament. He was certain that if the House of Commons at an earlier period of the Session had had laid before it the various Bills which had come down to them recently touching the affairs of Ireland, there would have been an almost unanimous condemnation, at least on the part of those Members who represented Great Britain, of those measures. There were four Bills which had come down from the House of Lords recently, of which this was one. The whole of these Bills had one tendency. They were introduced by the same parties and with the same motives, and those were to get all that could be got by any means for the landlords, and to pay nothing on the part of the landlords that could possibly be avoided. Now, he would take the Bills in order; and he hoped the hon. and learned Gentleman the Member for the University of Dublin, who was taking a note, would, if he could, explain upon any other principle than that, the character of the Bills which he was submitting to the House. They attacked the hon. and learned Attorney General because he had been stating what he believed to be facts with regard to the House of Lords legislating in a totally different spirit when the landlord had to receive, and when the landlord had to pay. He was about to show that the hon. and learned Attorney General was more than justified in what he said. There were four of these Bills, one of them was called the Distress for Rent Bill, another had the title of the Landlord and Tenant Bill; the third was the Small Tenements Recovery Bill; and the fourth was the Incumbered Estates Bill. Now he wanted to show that these four Bills were in reality all one in their object and tendency, and that therefore the observations of the hon. and learned Attorney General were more than justified. The Distress for Rent Bill was to enable the landlords to seize growing crops; and they hypocritically stated in it that they wished to remove the discrepancy that existed in the legislation between England and Ireland. He should be very glad if they would assimilate the laws of the two countries; but it was only when there was a bad principle in the law of England that they wished to remove the discrepancy. The Landlord and Tenant Bill they had discussed till half-past one that morning, and he would not enter into it further than to say that it was a law to increase the stringency of the law of distress, and to make an offence punishable with twelve months' imprisonment and hard labour in Ireland, which was not a crime in England. The Small Tenements Bill was a Bill for the more easily ousting the occupants of small tenements, as if the quarter-of-an-acre clause had not already produced sufficient devastation in Ireland. The object of all the Bills was to get rid of the occupier, or to get from the occupier as much as was possible for the landlord. He now came to the Incumbered Estates Bill which passed last Session. He need not say now whether that Bill had worked well or ill; but that Bill enabled the Commissioners to sell property for what property would fetch in the market, that was, the property brought into court in compliance with the restrictions and requisitions of the Act. Now the hon. Member for Roscommon contended that that Bill was a very unfair Bill, that there were clauses in it which were a mistake, and that this Bill declared that certain words in that Bill did not declare the meaning of the Bill. And he wanted to enact now that the Commissioners should not be empowered to sell an estate, on the ground that it had been placed under the hands of a receiver. The hon. Gentleman also wanted to leave out the words which rendered the adjudication of the Commissioners final with regard to the sale of the estate. Now, the hon. Gentleman must know that if there was any class of property to which more than any other it was intended the Incumbered Estates Bill should apply, it was a property that was under the hands of a receiver. Even his hon. and gallant Friend the Member for Portarlington admitted that property in the hands of receivers was very badly managed. The Act declared that the fact of property being under the hands of a receiver should be a valid ground for bringing it under the commission, and Parliament decided that the decisions of the commission should be final. If it were not so the commission would be worth nothing; but, the decision being final, the Commissioners were enabled to give a title to the property and to free it from the complications which had arisen from neglect and other causes. Then the hon. and gallant Gentleman said, the property should not be sold under fifteen years' purchase, unless the owner gave his consent. Now he should like to know what was to become of bankrupts' estates in this country or in any other country, if they could not be sold unless the bankrupt gave his consent, or unless they could not be sold at a higher price than the value of the property. They wanted to go back to the valuation of 1832—a valuation notoriously high as compared with the value of property in Ireland at the present time. What they wanted was, more law to get rent, and more law to prevent the applying of their rents in payment of their debts. The hon. and gallant Member for Portarlingtion called that confiscation. He hoped the hon. and gallant Gentleman did not represent the landlords of Ireland. If he did, he (Mr. Bright) should know by-and-by that what was meant by confiscation, was a man being obliged to pay his debts. They took the goods and chattels of a tenant, they did not divide them amongst his creditors, but the landlord, with a grasp apparently insatiable, took the whole, and then when he was asked to pay his own debts, when he had stipulated in his mortgage that unless the interest and principal were paid by a certain day, the estate was to be handed over to the mortgagee, he wanted an Act of Parliament passed to prevent his creditor having that for which he had stipulated. The hon. and gallant Gentleman pretended now that he is doing it from a love of justice to the puisne creditor. He wished to know what the puisne creditor got now? Nothing at all. It was because these estates had been embarrassed for a considerable length of time and beyond redemption, that it was necessary to come to this summary legislation. Some hon. Member, he thought the Member for Roscommon, had spoken ill of the character of the Incumbered Estates Commissioners. He thought that exceedingly unfair of the hon. Gentleman. He must say that the conduct of the three Commissioners had been consistent with the Act of Parliament, and that they had carried out the Act in the least offensive manner to those who came under its provisions. The hon. Gentleman had also attacked the hon. and learned Attorney General for attacking the House of Lords. He (Mr. Bright) had spoken of these Bills as being of a special character; but what did the House of Lords do with the Crime and Outrage Bill? They passed it without any inquiry. It was a Bill which Mr. Speaker had declared they had no right to pass at all. They could not originate it; they had no power. But because it was a Bill of aggression—because it was a Bill for obstructing the liberties of the people of Ireland, it passed almost without observation. But when they (the House of Commons) sent up a Bill to give increased franchises to the people of Ireland, what did the House of Lords do? They actually cut off one half of the proposed constituency, and when they made a concession in this House, and agreed to a 12*l.* instead of a 15*l.* franchise, the House of Lords made a great effort—he meant the party in harmony with hon. Gentlemen opposite—to prevent the 12*l.* being agreed to. In point of fact that Bill had now passed the House of Lords with a diminution of 94,000 in the constituency compared with what it would have been had it passed as it left the Commons. Having made these statements, he now asked whether the simple narrative of facts was not sufficient to damage the House of Lords? He said that the legislation of the House of Lords was most unjust to the people of Ireland, and it was marked with such an animus of insult towards Ireland as ought to make Government resist this legislation, and to make the House of Commons refuse to be parties to it. His hon. and learned Friend the Member for Dundalk had referred to the animus which for years had actuated the majority of that House, and which actuated the minority of this House. It was a spirit that begat animosity between England and Ireland. He was gratified with the speech of the hon. and learned Gentleman the Attorney General, whose efforts from the time that he had had office, had been directed to improve the condition of Ireland by improving the Irish law. He believed there was no one connected with Government to whom within the last four years Ireland was so much indebted as to the hon. and learned Attorney General.

Mr. SOTHERON trusted the discussion would not be so much prolonged as to prevent his proceeding with the Friendly Societies Bill.

Mr. NAPIER would not detain the House many minutes. The question was, whether the principle of the Bill was so vicious that it ought to be rejected on the second reading. Much had been said about the landlords. How were they to pay their debts unless they were armed with reasonable means for the recovery of their rents? Encouraging the tenantry to defraud their landlords was not maintaining the rights of property. Suppose the Lords had attended to the rights of landlords; had the Commons attended to the rights of tenants? What right had they to cast such a charge at the Lords? The impression as to the operation of the Bill in regard to Parliamentary titles was, he conceived, erroneous; but, if clearer words were desired, let them be introduced into the Bill. There was a great abuse existing now. At present a judgment creditor, for any sum over 150*l.*, might take an estate into the Incumbered Estates Court; and he appealed to the hon. Member for Manchester, whether it was just that, under such circumstances, a creditor should have power to sell an estate, especially now that the value of property was so much depreciated. As for the fifteen years' purchase clause, without some limitation the rights of the puisne incumbrancers would be destroyed. He must deprecate the course of proceeding which had been adopted, raising a hundred collateral topics, attacking landlords and the House of Lords. But he would not trespass upon the time of the House. He endeavoured to observe two rules suggested to him by an old friend when he was returned to Parliament—he wished they were generally observed—never to speak merely for the sake of speaking, and always to endeavour rather to be useful than to be troublesome.

Mr. MOORE thought that Gentlemen were only pronouncing funeral orations. The Bill was dead.

Mr. HATCHELL looked upon the Bill as condemned, but wished to bear his testimony to the high character and qualifications of the Incumbered Estates Commissioners. Baron Richards had spent his life in the consideration of titles, and in the practice of the equity courts. Dr.

Longfield's qualifications had been justly described; and from his being a gentleman of extensive connexions, and interested in very considerable property in the county of Cork, he might be supposed to be peculiarly acceptable with a view to the protection of the landed interest. It was of importance to have also an English barrister of high character and great acquirements; because there was an expectation of English capital being embarked in the purchase of estates sold under the Commissioners.

Mr. TORRENS M'CULLAGH said, as he might not have another opportunity, he wished now to tender his thanks to the hon. and learned Attorney General for having rescued them from this additional wrong; and he hoped that the hon. and learned Gentleman would give them the same assistance on other occasions as he had done on this. He thanked him for having prevented fraud from being perpetrated—he did not say intentionally—by one class against another.

Mr. G. A. HAMILTON said, he would withdraw the Bill.

Question, "That the word 'now' stand part of the Question," put, and negatived.

Words added.

Main Question, as amended, put, and agreed to.

Bill put off for three months.

FRIENDLY SOCIETIES BILL.

Order for Committee read.

Mr. BERNAL begged to ask the right hon. Gentleman the Chancellor of the Exchequer whether he meant to be imperative in some clauses of this Bill, which would have a retrospective operation, and take away from friendly societies the advantages which they enjoyed under the Acts of George IV. and William IV.? He also wished to know if he would deprive them of the advantage of non-liability, and the power of assignment of life insurances?

The CHANCELLOR of the EXCHEQUER said, he did not consider that what he proposed would have an *ex post facto* operation, because all that had been done up to this time he left precisely as it stood; but he proposed to take away for the future certain privileges which these societies had hitherto enjoyed.

House in Committee.

Clause 1 agreed to.

Clause 2.

The CHANCELLOR of the EXCHEQUER said, a great many of these societies effected insurances on lives up to 5,000*l*., and at present the persons who received the money paid no legacy or probate duty. These societies had been instituted for the benefit of the lower classes; but, as often happened in such cases, persons of a higher class availed themselves of those benefits; and one of those societies, which numbered several wealthy persons amongst its members, had a very large sum invested with the Commissioners of the National Debt. One object of this Bill was to confine the benefits of those societies to the class for whom they had been designed; at the same time, it would carefully abstain from meddling with any existing society.

Clause agreed to. Clauses 3 to 7 were agreed to.

Clause 10.

Mr. HENLEY moved that the salary of the registrar for England should be 800*l*.

Mr. SOTHERON would consent to the Amendment.

Clause agreed to. Clause 11 struck out. Clause 12 agreed to.

Clause 13.

Mr. SOTHERON moved an addition to the clause, to enable friendly societies to lend money to a member on the security of a policy of insurance on his own life, such loan not to exceed the estimated value of the policy at the time of the lending of the money.

Clause, as amended, agreed to. Clauses 14 to 37, inclusive, agreed to.

House resumed.

Committee report progress; to sit again To-morrow.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, August 8, 1850.

Minutes.] Public Bills.—1ª Turnpike Acts Continuance, &c. (No. 2); Consolidated Fund Appropriation; Stamp Duties (No. 2); Assessed Taxes Composition; Assizes (Ireland); Marlborough House; National Gallery (Edinburgh); Portland Harbour and Breakwater; Police Superannuation Fund.

2ª Grand Jury Cess (Ireland); Summary Jurisdiction (Ireland); Fisheries; Municipal Corporations (Ireland) (No. 2); Registrar of Judgments Office (Ireland).

Reported.—County Court Extension Act Amendment; Fees (Court of Common Pleas) (No. 2); Poor Relief.

3ª Excise Sugar and Licences; Engines for Taking Fish (Ireland); Commons Inclosure (No. 2); Borough Gaols; Borough Courts of Record (Ireland); Cruelty to Animals (Scotland).

SUMMARY JURISDICTION (IRELAND) BILL.

The Marquess of CLANRICARDE moved the Second Reading of the Summary Jurisdiction (Ireland) Bill, which, he said, whilst simplifying the administration of justice, did not alter the principle of the existing law. The Bill repealed wholly or partially several Acts regarding summary jurisdiction in Ireland; and undoubtedly it in some degree extended the power of magistrates, but in certain cases the right of appeal was given. No material alteration, however, being made in the existing law, it was not necessary to call attention to any particular point, especially as he anticipated no serious objection to the measure. The Bill had been prepared with great care; it had been thoroughly sifted and examined by a Committee of the House of Commons, and he hoped their Lordships would agree to it.

Lord MONTEAGLE gave a qualified assent to this Bill, which in many respects was a great improvement on the existing law. It did not, however, embrace all the points on which reform ought to be introduced. The question of trespass was entirely overlooked in it. Besides, it introduced not only a discrepancy between the statute law of England and Ireland, but also a discrepancy in the principles of the common law applicable to both countries. This Bill, for the first time in the history of Ireland, enabled a single magistrate to act in petty sessions. It conferred on a single magistrate all the privileges and all the authority which had hitherto been invested in two or more magistrates at petty sessions; such a provision might be necessary in some parts of Ireland, and for a time, but it ought to be limited to those districts, and to a certain duration, and ought to be considered as made for an exceptional case. As an exceptional case, he would support it. He would not confer on a single magistrate in Ireland power which they would not confer on a single magistrate in England; and he used that expression without intending to cast any slur upon the magistracy of Ireland. He was of opinion that the stipendiary magistrates of that country should not be made its only acting magistrates. This Bill gave to a single magistrate the power of adjudicating corporal punishment on juvenile offenders. Now, such a power could only be justified by the exigency of the case, and should be limited to such exigency. He trusted that the defects and omissions which he had pointed out in the Bill would be corrected and supplied in the Committee. If those objections were removed, no one would support the Bill with more alacrity than himself.

The Earl of WICKLOW was in favour of the Bill, and should be loth to have its passing this Session endangered by the proposal of any Amendments. His noble Friend was, he thought, mistaken in the principal objection which he had urged against the Bill. Under Lord Wellesley's Act, passed in Earl Grey's Administration, a single magistrate was empowered to act in petty sessions. From the circumstances of Ireland, and from its circumstances in every part of it, whether distressed or not, it would be impossible to carry on the petty sessions, if one magistrate could not act by himself. He recommended that a proviso should be introduced into this Bill to this effect, that nothing in the Bill should enable a single magistrate to act in petty sessions, except where he was authorised so to act at present. The Bill would be so beneficial to the administration of justice at the sessions that he hoped it would pass without delay.

After a few words from the Earl of Glengall,

The Marquess of CLANRICARDE said, that there were various parts of Ireland in which, if the other magistrates did not act, or were unwilling to act, and if this provision enabling a single magistrate to act were not carried, they might as well shut up the doors of all the courts of petty sessions in the country.

After a short explanation by Lord Monteagle,

The Earl of LUCAN said, this was a most valuable measure; and every one in Ireland ought to be thankful to the Government for it. He quite disagreed with the noble Lord (Lord Monteagle) in thinking that one magistrate being empowered to hold petty sessions was an evil; on the contrary, he thought it would be a great benefit. In the unfortunate county with which he was connected, they would frequently not have had a petty sessions at all if there had not been a stipendiary magistrate. Something should be done to let magistrates know that, if they continued in the commission of the peace, they must attend petty sessions. It was the fault of the Government that they had not insisted upon the attendance of magistrates before.

Bill read 2ª.

ECCLESIASTICAL COMMISSION BILL.

Commons Amendments on the Bill considered; and agreed to as far as Clause 13, with Amendments.

The **ARCHBISHOP of CANTERBURY** proposed an Amendment on the 13th clause of the Bill as amended by the Commons. This clause, as it passed the House of Lords, kept the common fund and the episcopal fund apart, but the Amendment of the Commons amalgamated them. The most rev. Prelate suggested, in page 6, line 39, of the Bill as returned from the Commons, to leave out certain words in the clause of the Commons, and to insert the following in their stead:—

> "Be it enacted, that from and after the passing of this Act all such moneys as shall not have been applied to the purposes of the said first recited Act, or other episcopal purposes, shall be deemed applicable to the purposes of the common fund mentioned in the said secondly recited Act, and shall from year to year be carried to and form part of such common fund."

The **MARQUESS of LANSDOWNE** regretted that he could not concur in the most rev. Prelate's proposition. On the contrary, he perfectly agreed in the Commons Amendment that the joint funds should be made applicable to the wants of the Church at large. If the most rev. Prelate's Motion were adopted, that the episcopal part of the fund should be set aside every year and appropriated to episcopal purposes only, nothing would be left for the promotion of the general efficiency of the Church by the augmentation of small livings.

The **EARL of POWIS** said, that their Lordships were now asked to amalgamate two funds which had hitherto been kept separate, and that too with this fact before them, that the Ecclesiastical Commission, to which had been intrusted the duty of forming new dioceses, and providing funds for those who presided over them, had never met once for that purpose since the last Parliament was dissolved, and the present Parliament assembled. What chance then was there, if the Amendment of the Commons were approved of by their Lordships, of the performance of the promise made by the Government relative to the creation of new bishoprics? The common fund was already absorbed, and the mode of distributing it was by annual grant. There were only two instances since 1836 of any part of it being invested in land; and those two instances were cases in which two sums of 1,000*l.* had been so invested. If these two funds were to be combined, the whole amount would be absorbed in increasing small livings annually; and when they asked for funds to be appropriated to the support of new bishoprics, it would be said that there were no funds, and that would be a just answer. The Amendment of the House of Commons was, in point of fact, neither more nor less than an insidious attempt to prevent the organisation of the Church ever being made more perfect than it was at present, or more adequate to meet the wants of an increasing population.

The **BISHOP of OXFORD** thought it highly desirable that the funds should be kept separate as heads of account, and then, if in the course of any year Parliament should see fit to institute a new bishoprick, there would be a fund ready to apply to that purpose. He had heard no objection to the Amendment proposed by the most rev. Prelate, and he trusted that the House would agree to it.

EARL GREY objected to the adoption of a proviso, the effect of which would be indirectly to imply that Parliament was of opinion that an addition should be made to the present number of bishops. He considered that those districts where there was now a want of clerical superintendence—and he knew of many such in his own part of the country—had the first claim on this fund after provision had been made for the existing bishops.

The **BISHOP of SALISBURY** spoke in favour of his most rev. Friend's proposition.

Their Lordships divided on the Amendment:—Contents 22; Not-Contents 37: Majority 15.

List of the NOT-CONTENTS.

Lord Chancellor

DUKES.

Leinster
Norfolk

MARQUESSES.

Clanricarde
Donegal
Lansdowne

EARLS.

Besborough
Bruce
Carlisle
Chichester
Devon
Effingham
Granville
Grey
Gosford
Leitrim
Minto
Morley
St. Germans
Scarborough
Strafford
Suffolk
Waldegrave
Wicklow

BARONS.

Bateman
Brougham
Camoys
Dufferin
Elphinstone
Eddisbury

Erskine	Overstone
Foley	Saye and Sele
Monteagle	Wharncliffe.
Montfort	

Amendment negatived; other Amendments as far as Clause 16 agreed to, with Amendments.

On Clause 16 (the Endowment of Deans),

The Bishop of SALISBURY moved an Amendment, the effect of which was to leave the arrangement of the salaries of the Deans of York, Salisbury, and Hereford, as originally proposed by the Bill. The clause as originally introduced had for its object to remove doubts, not only as to the present but all future deans; but, as altered by the Commons, the doubts which it had been the object to guard against would in future cases necessarily arise. He had therefore prepared an Amendment, the effect of which would be to restore the clause to the state in which it was originally sent down to the Commons. If, however, the noble Marquess would consent to strike a mean between the salaries of the Deans of York, Salisbury, and Hereford, on the one hand, and of Canterbury, Winchester, and Rochester, on the other, he (the Bishop of Salisbury) would not press his Amendment on the House.

After some observations from the Marquess of Lansdowne, which were wholly inaudible,

Amendment withdrawn.

Commons Amendment to Clause 16, and the rest of the Commons Amendments, agreed to.

Bill, with Amendments, sent to the Commons.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, August 8, 1850.

Minutes.] New Member Sworn.—For Lambeth, William Williams, Esq.

Public Bills.—2^a Crime and Outrage Act (Ireland) Continuance (No. 2); Transfer of Improvement Loans (Ireland); Lough Corrib Improvement Company Compensation (Ireland).

Reported.—Deanery of St. Burian Division.

3^a Consolidated Fund (Appropriation); Customs.

CONSOLIDATED FUND (APPROPRIATION) BILL—IMMIGRATION TO THE WEST INDIES.

Order for Third Reading read.

Mr. BERNAL wished to call the attention of the hon. Under Secretary for the Colonies to the defective state of the regulations respecting the immigration of Africans into the West India colonies, and more particularly into Jamaica. By the existing regulations African immigrants could only be bound by contract to their employers for one year, whereas three years were absolutely necessary. In the first year the immigrants were, to a certain extent, useless. They generally arrived in a sickly condition, often covered with sores, almost always unused to the business upon which they were employed, and intractable, and in consequence of their inability to labour, and the expense of medical attendance, he had often known, the employer out of pocket for the first year. If the contract were allowed to extend for three years, however, these disadvantages would be overcome. He had always contended that the African labourers were by far the best adapted to the cultivation of the soil in the West Indies—decidedly preferable to the Coolies, against the introduction of whom he had always set his face. The state of the labouring population in Jamaica was deserving of the serious and paternal attention of the Government. He did not come there claiming protection, but he thought that as a West India proprietor he was entitled to ask the Government to assist in regulating the supply of labour; and he feared that if the consideration of that question was delayed much longer, the most lamentable consequences would follow.

Mr. HUME said, the statement of his hon. Friend, he was sure, was too true. The neglect and want of attention of the colonial authorities had brought on those evils. He was ready to state, on the part of the people of Trinidad, that they wanted no favour; they only wanted that the same laws which affected vagrants in this country should be carried out there. They wanted labour to be free; at the present moment it was restricted. He could not see why labourers should not be imported from the coast of Africa. They were slaves there, but the moment they got to our colonies they would be free, and if three years contracts were necessary, he thought they ought to be allowed. The labourers would be under the protection of magistrates paid by this country, and they would have all the rights of freemen. There was a prejudice against importing slaves from the coast of Africa, which he thought had just grounds when slavery existed in our colonies, but he could see no ground for it now. Unless something was done for the colonies, they would soon become like St. Domingo, of no value either to any one there or in the mother country. He had often said, why should they not be allowed to have labourers from the coast of Africa? The change would be decidedly beneficial to the labourers. They were slaves in Africa, but the moment they set their foot on our shores they would be free men, and would be placed under the protection of magistrates paid by this country. If the Government wished to preserve the colonies—if they wished the produce of the colonies to supply our markets, and our manufactures to be sent to the colonies, they should encourage the supply of labour.

Mr. HAWES should be exceedingly sorry if the House imagined that the Colonial Office was indisposed to attend to the observations either of the hon. Member for Rochester or the hon. Member for Montrose on this subject. Both of them had paid great attention to it, and the hon. Member for Rochester had considerable experience and an intimate knowledge of the state of our colonies. He fully admitted the distress which prevailed in the West Indies, and he greatly deplored it. He thought the proprietors entitled to every sympathy which the Legislature could extend to them, consistently with the principles of commercial policy which he believed were now firmly established in this country. The observations of the hon. Member for Rochester had been almost entirely confined to the nature of the contract which ought to be sanctioned between the employer of labour and the labourer. The observations of the hon. Member for Montrose related to a totally different subject, namely, the general supply of labour. He proposed, in the few observations which he intended to address to the House, to keep these two subjects quite distinct. The hon. Member for Rochester said, he was convinced that a contract of three years was absolutely necessary. His noble Friend at the head of the Colonial Office—and he (Mr. Hawes) shared the feeling with him—did not rely with any confidence upon long contracts of that kind, because it was quite in the power of the labourer, if he was unwilling to work, to make the contract a burden instead of a benefit; and there was nothing they could do to enforce the contract without resorting to means which would be justly objected to by a large portion of the people of this country. He was aware that there was a prevailing opinion among the planters and others interested in property in the West Indies, that unless labour were obtained under longer contracts, it would not be found beneficial to the employer. Under these circumstances his noble Friend had sanctioned contracts for a term of three years in British Guiana. But in Jamaica at this moment the law limited the contract to one year; and if anything was to be done to extend the term, as respected that island, it must be done by the local legislature, and not by the Secretary of State in this country. His noble Friend, however, having sanctioned three years in British Guiana, would of course be quite prepared to sanction it also in Jamaica. The same thing had been done in Trinidad. His hon. Friend the Member for Rochester had said that the only species of immigrants that would be useful in the West Indies were African labourers. But there was this difficulty with respect to that class of immigrants, that by existing treaties the Africans were considered as free subjects, and it would be contrary to those treaties if liberated Africans, upon being landed in our colonies, were compelled to enter into a three years' engagement. But they might be employed for a period of one year, and if after that they chose to enter into a three years' engagement no objection could be made to it; but it must be a free contract, and not compulsory upon their landing in the colonies. His hon. Friend had also said, that the importation of Coolies would not be useful in Jamaica; but he (Mr. Hawes) must remind him that that was not a universal impression in Jamaica. With respect to the observations of the hon. Member for Montrose upon the supply of labour generally, he begged to say that there was nothing to prevent the importation of free immigrants into the West India colonies. What his hon. Friend wanted was that merchants should be permitted to go to the coast of Africa and buy them from the hands of slavedealers, and to take them to the colonies, where, upon their landing, they would be declared free. But his hon. Friend seemed to have forgotten the internal state of Africa; that those labourers to whom he referred were brought down to the coast as slaves; that they had been either taken in war, or had been stolen for the purpose. To suppose that the people of this country would sanction the supply of labour to any part of the British empire by slavedealers, was out of the question. They would never sanction such an iniquitous proceeding. But the Colonial Office had given every possible facility to the planters to get free labourers from the coast of Africa. A Government vessel had been fitted out for the purpose of conveying them to the colonies, and that House had voted a considerable sum towards the scheme; but the experiment had failed. What greater possible assistance could the Government have given? Many representations had been made to the Government in favour of the renewal of Coolie immigration. He was happy to say that arrangements were being made to comply with that request. He might state that arrangements were also being made for the introduction of Chinese immigrants into Trinidad. When Dr. Gutzlaff was in this country, he (Mr. Hawes) had had communications with him on that subject, and also with a gentleman connected with Trinidad, and the result was that arrangements were in progress for the importation of free Chinese immigrants into Trinidad.

Bill read 3°.

On the Question that the Bill do pass,

Mr. HUME repeated his complaint of want of free labour in our West India colonies. He had always contended that they never could put down slavery in Brazil and Cuba until they could make free labour cheaper than slave labour. If, therefore, they refused to assist our colonies to procure free labour, so as to enable them to reduce the cost of their produce, and undersell the Brazilians and the Cubans, they must be considered a party to the perpetuation of slavery. Was it not better to buy a slave on the coast of Africa and make him a free man in our colonies, than to allow the Brazilians and Cubans to buy him and continue him in a condition of slavery? It was said that Exeter Hall would not permit such a thing. Pooh, pooh, for Exeter Hall! Exeter Hall had done too much evil already, and he hoped the time was come when less attention would be paid to the ignorance and prejudice which emanated from that quarter.

Bill passed.

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE (No. 2) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MOORE wished to ask a question of the right hon. Gentleman the Secretary of State for the Home Department with reference to another Bill. Some time ago the noble Lord the First Minister of the Crown declared that it was not his intention to proceed with the Landlord and Tenant Bill which the Government had introduced. On the faith of that statement a great number of Irish Members on the Ministerial side of the House had gone to Ireland to attend to other duties. In their absence a Bill on the same subject, containing the obnoxious clauses of the Government Bill, with all the clauses which might be considered remedial struck out, had passed the other House, and had been introduced into the Commons by the hon. Member for the University of Dublin. He thought they had a certain claim upon the good faith of the Government, that since they were not to legislate generally on the subject this Session, they would not connive at partial legislation. He wished to know what course the Government meant to pursue with respect to that Bill?

Sir G. GREY said, that the fact of Government finding themselves unable to proceed with a Bill on the general subject, would by no means justify them in resisting a salutary improvement of the law limited to a particular case. He confessed, however, that he could not have supported the Bill as it came down to them from the Lords; and, even with the alterations which had since been introduced into it—though it had thereby been rendered very different from the Bill which had come down to them from the Lords—he felt that it would be impossible to agree to it. It had been alleged, that the practice of clandestinely carrying away crops by night was a great evil, and involved a much more serious penalty than the parties would be liable to in this country. The Bill had been committed *pro formâ;* and the hon. Gentleman the Member for the University of Dublin, who had charge of it, had abandoned some of its most obnoxious provisions; and it was now a very different measure from the Bill which had come from the Lords. Still it was one which he thought it impossible for the House to agree to even in its amended form. Notice had been given by the hon. Member for Oxfordshire of an Amendment in Committee, applying to Ireland the law in England against parties clandestinely carrying away property under the value of 50*l.* If they were to legislate at all on the subject, that would be the safest mode in which they could legislate; and that would involve a very serious alteration.

If the Bill went into Committee, he should support the Amendment which took away altogether any penalty for merely cutting crops on Sundays, or early in the morning, or late at night, on account of the uncertainty of proving the intent. The Amendment also did away with the punishment as a misdemeanour, and simply rendered the parties liable to be sued. That would make a material alteration in the Bill; and at that period of the Session, he doubted the propriety of dealing with Bills in that way. He rather hoped the hon. Promoter of the Bill would not press it further.

Mr. STAFFORD said, his hon. Friend the Member for the University of Dublin was not in his place; and he thought he had some reason to complain if notice had not been given of this question. He believed it was the hon. Gentleman's intention to adopt the Amendment of the hon. Member for Oxfordshire, for assimilating the law to that of England. He knew not what course he would pursue after the declaration now made by the right hon. Baronet.

Mr. MOORE said, he wished to give notice of his question, but he had not had opportunity.

Mr. HENLEY said, he had every reason to believe that the promoter of the Bill would adopt his Amendments.

Mr. S. CRAWFORD said, he should take this opportunity of reiterating his opposition to this Bill. The first clause of the Act, now in force, gave power to the Lord Lieutenant to proclaim any district, and to increase the constabulary, which was, in effect, a standing army. He was also empowered to levy taxes to defray the cost—to prohibit the carrying of arms—to search houses for arms—and other extraordinary powers. No one could doubt that those powers, however necessary at one time, were unconstitutional. There were two modes of governing a country: one by enacting just laws, and calling on the people to preserve the peace for themslves; the other by enforcing or continuing unequal laws; and this system had prevailed in Ireland ever since it was a part of the united kingdom. A policy of coercion and extermination was in force under the Earl cf Clarendon at that moment. The noble Earl had given facilities for eviction, and had called for no law to mitigate the misery which flowed from these proceedings. On these grounds he (Mr. S. Crawford) felt it his duty to protest most strongly against this Bill. It was a delusion to suppose that measures like this would secure the tranquillity of Ireland. Nothing but just and equal legislation would do this. While the coercive policy was continued, large standing armies must be maintained there, involving the expenditure of a large amount of taxes. On this ground, Englishmen, as well as Irishmen, ought to protest against this Bill. He moved that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. R. M. FOX had no fear that the provisions of the Bill would be abused by the Earl of Clarendon; but he feared that if the present Government were succeeded in office by their opponents, a Lord Lieutenant might be appointed who would be less worthy of being entrusted with them.

Mr. C. ANSTEY hoped the Government would at least make some attempt to show that this was not an unconstitutional Bill. By giving extraordinary prerogatives to the Crown, either the constitution was suspended or destroyed. It could not be denied that the powers in this Bill were most extraordinary. Hon. Members had been placed in a false position by the Bill being imperfectly described, and not sufficiently explained, on its introduction. Were such a measure proposed for either the manufacturing or agricultural districts of this country, the attempt to pass it would be absurd; it would be thrown out at once. If this measure was necessary, why was it not accompanied with remedial measures, or rather, why did not such measures precede those of a penal character? All the liberal Irish Members were opposed to this coercive policy: nevertheless the Government showed a determination to persist in it. It was true the Earl of Clarendon had exercised these extraordinary powers in a manner which could not be complained of; but the fact that his Lordship succeeded in preserving the peace of the country during a very critical period, without any such extraordinary powers, was a proof that they were unnecessary. They only served to familiarise the Irish with slavery; they were at most but a *pis aller;* and no case whatever had been made out for their continuance. The prerogative alone was sufficient to arm the Government with all power necessary for suppressing disturbance; and on afterwards asking indemnity from that House, there was no doubt it would be conceded. He objected to give a premium to severe measures by passing a Bill of Indemnity beforehand. Under this Bill the Lord Lieutenant might make himself a perfect tyrant, and there would be no means of reaching him, or those who acted under him. The Member did not deserve the name of a representative of a people who would not oppose a measure like this. In supporting the opposition to the measure, he wished not to prolong the labour of the Session; but he felt bound to vote against it on every stage. It was a proof that there was no disposition on the part of Government to abandon the coercive policy they had so long pursued. He would never support penal measures for Ireland, which were not fit for the meridian of this country. There was a talk of assimilating the laws of the two countries; but all that was meant was to extend to Ireland those English laws which were all but intolerable, and which must speedily be repealed. An assimilation of this nature could only produce greater oppression in Ireland.

Sir G. GREY said, that his not rising immediately after the mover and seconder of the Amendment did not proceed from any disrespect towards the opponents of the Bill; but hon. Gentlemen would remember that two discussions had already taken place on this subject, and that on the first occasion his noble Friend the First Lord of the Treasury, and his right hon. Friend the Secretary for Ireland, both stated the grounds which had led the Government to ask for the continuance of the Act for a limited time. He understood, besides, that the hon. Gentleman who now opposed the second reading of the Bill, did not wish to raise another debate on the question, but merely to enter his protest against the measure. He was not aware that he could add anything to what had already been said by his noble and right hon. Friends. The object of the Bill was not oppression, but the security of life. When first proposed, outrages of a shocking character had occurred. He rejoiced to say that the Act had been instrumental in checking such occurrences, though recent experience had shown that they had not ceased altogether. He admitted that the Bill was of an exceptional character, and he should be happy to find that its further extension was unnecessary. At the same time he fully concurred with what had already been stated on the part of the Government, that at present the Government, acting on its own responsibility, did not think it expedient to allow the Bill to expire.

Mr. REYNOLDS said, as he had heard no good answer to the arguments that had been urged against his Bill, he should vote against the second reading. This Bill of three clauses renewed the Coercion Act of 1847, which contained 23 clauses, and which was not fit for any civilised country; but only for men in their savage and uneducated state. On that ground he opposed its application to Ireland. This Bill was proposed on the ground that the Earl of Clarendon had not abused the provisions of the Act. That might be very true, but the Earl of Clarendon had under him officials, for whose proper conduct he could not be responsible. As an instance of that he would mention that permission to carry arms had been refused to a most respectable gentleman in Dublin —he alluded to Mr. J. H. Thomas, of Ranelagh. He had that day received a letter of a similar kind from an individual who stated that he had been refused a licence to carry arms by a shopkeeper who was a magistrate, which refusal he attributed to political hostility. If this measure was to be applied to Ireland, why was it not also applied to England and Scotland on the principle that "what was sauce for the goose was sauce for the gander?" But in addition to what he had stated there was no guarantee that the Earl of Clarendon would remain in Ireland. There were 30,000 troops of various kinds in Ireland, and were they not enough to keep the peace without this Algerine Act? He knew nothing more likely to irritate the people of Ireland than such a measure, and he would do everything in his power to strangle it, because he looked upon it as a wanton outrage on the people of that country. He would divide the House on every stage of the Bill, and he begged to return his thanks to the hon. Member for Rochdale, for the manly stand he took upon this and on all other occasions, when the rights of his country was concerned.

Mr. HUME wished to know whether, before the next stage of the Bill, the Government would be prepared with a return of the districts in Ireland in which the Act had been put into operation, together with the charge to the counties in Ireland and to the public, on account of additional constables required in consequence of its passing. He understood that the Irish Members had come to an arrangement to give up any further opposition to the Bill. He deprecated such a course. For himself, he was prepared to continue his opposition to the Bill in every stage. He had 26 years ago declared his opinion that peace would never be restored to Ireland whilst the Protestant Church was maintained in its present proportion, and as long as one party were possessed of the idea of superiority on account of religion. He hoped that this subject would be taken up by the Government next Session. The present state of Ireland was discreditable and disgraceful to the nation that kept it under, for they were now kept under by coercion. He should have thought that they had tried coercion long enough. He blamed the Tories for following a policy of coercion, and though he was then joined by the Gentlemen who formed the present Government, he was sorry to say that they had as yet made no attempts at conciliation. He now urged them to bring forward, for the peace of Ireland, and the character of England, such measures as would abolish the evils under which Ireland laboured.

Sir G. GREY said, that he would make inquiries respecting the return which the hon. Member alluded to.

Mr. E. B. ROCHE said that, as far as he was concerned, he entered into no compromise with regard to this Bill, which he considered most obnoxious and disgraceful. But it was difficult to continue a debate where all the speaking and arguments were on one side.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 89; Noes 26: Majority 63.

List of the Ayes.

Abdy, Sir T. N.
Anson, hon. Col.
Arkwright, G.
Armstrong, Sir A.
Baines, rt. hon. M. T.
Baring, rt. hn. Sir F. T.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Blackall, S. W.
Booth, Sir R. G.
Bouverie, hon. E. P.
Bowles, Adm.
Boyle, hon. Col.
Bramston, T. W.
Brotherton, J.
Carter, J. B.
Chatterton, Col.
Cockburn, A. J. E.
Copeland, Ald.
Cowper, hon. W. F.
Craig, Sir W. G.
Cubitt, W.
Dawson, hon. T. V.
Denison, E.
Dick, Q.
Dickson, S.
Divett, E.
Dodd, G.
Duckworth, Sir J. T. B.
Duncan, G.
Dundas, rt. hon. Sir D.
Ebrington, Visct.
Elliot, hon. J. E.
Ferguson, Sir R. A.
FitzPatrick, rt. hon. J. W.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fuller, A. E.
Goddard, A. L.
Grey, rt. hon. Sir G.
Hamilton, G. A.
Hatchell, J.
Hawes, B.
Headlam, T. E.
Henley, J. W.
Hobhouse, rt. hon. Sir J.
Howard, Lord E.
Howard, Sir R.
Jones, Capt.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lennard, T. B.
Lennox, Lord H. G.
Lewis, G. C.
Lockhart, A. E.
Mackinnon, W. A.
M'Gregor, J.
Matheson, Col.
Maule, rt. hon. F.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Newdegate, C. N.
Nugent, Sir P.
Ogle, S. C. H.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Price, Sir R.
Prime, R.
Rich, H.
Sandars, G.
Sheil, rt. hon. R. L.
Somerville, rt. hn. Sir W.
Sotheron, T. H. S.
Stafford, A.
Stanley, hon. W. O.
Stuart, H.
Thornely, T.
Townley, R. G.
Vesey, hon. T.
Wall, C. B.
Watkins, Col. L.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Anstey, T. C.
Bright, J.
Devereux, J. T.
Fox, W. J.
Greene, J.
Harris, R.
Higgins, G. G. O.
Hume, J.
Kershaw, J.
M'Cullagh, W. T.
Moore, G. H.
Mowatt, F.
O'Brien, Sir T.
Pechell, Sir G. B.
Reynolds, J.
Roche, E. B.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Walmsley, Sir J.
Williams, W.

TELLERS.

Fox, R. M.
Crawford, W. S.

Main Question put, and agreed to.

Bill read 2°, and committed for To-morrow, at Twelve o'clock.

LANDLORD AND TENANT (IRELAND) (No. 2) BILL.

Sir G. GREY, seeing the hon. Member for the University of Dublin in his place, begged to ask him whether, after what had been stated in the course of the preceding debate, with regard to the inexpediency of proceeding with his Bill, it was his intention to go further with it?

Mr. G. A. HAMILTON said, he was not in this House when the observations referred to had been made, but he had been informed of their tenor. If the House would indulge him for a few minutes, he would state the position in which he felt himself placed in consequence of the intimation which the right hon. Secretary had just given. In the first place, as he understood the right hon. Gentleman had spoken of the stringency of the clauses for preventing the fraudulent cutting of crops at night to evade distress, he (Mr. Hamilton) felt it necessary to say that the clauses had been taken verbatim from a Bill introduced by Her Majesty's Government early in the Session; and, therefore, if that were a matter of complaint, he submitted that the blame should rest, not with him, but with those by whom the clauses had been originally framed. He had taken up the Bill because he believed it a necessary Bill, both to protect the just rights of the landlord, and for the interests of the tenants also. [*Derisive cheers.*] He would repeat it, for he could not believe that the fraudulent cutting and carrying away of crops at night, could be otherwise than injurious to the tenant class. But it was obviously impossible for a private Member, at so advanced a period of the Session, to carry a Bill of this kind, unless actively supported by Government; but he would tell the House what he believed would be the consequences of its rejection. The practice of fraudulently carrying away of crops at night would increase; collisions and ill-will between landlord and tenant would be the consequence; landlords, at November, would serve their tenants-at-will with notice to quit, in order to have them in their power next year. Many landlords, he was aware, had processed their tenants in the civil-bill courts, and obtained executions, under which they had the power of seizing their growing crops. This would be a disastrous state of things, and it would be prevented by the passing of the Bill. If, however, it was the intention of the Government to oppose it, or not to support it, as they had done for so far, it was useless for him to proceed further. He would only say that upon Government, and upon them alone, must the responsibility of the consequences rest.

Sir G. GREY asked, whether the hon. Member would consent to withdraw the Bill?

Mr. G. A. HAMILTON would be no party to withdrawing a Bill which he continued to think necessary; but if any one else chose to move that the Order be discharged, he would not resist it.

Mr. REYNOLDS then moved that the Order of the Day for going into Committee be read, for the purpose of being discharged; which was agreed to without opposition.

Order for resuming Adjourned Debate on going into Committee [6th August] read, and discharged.

Bill withdrawn.

CUSTOMS BILL.

Order for Third Reading read.

Bill read 3°.

The CHANCELLOR of the EXCHEQUER moved the addition of the following clause:—

> "And whereas divers rules, orders, and regulations have from time to time been made by the Commissioners of Her Majesty's Customs, in pursuance of the powers conferred upon them by certain Acts passed in various Sessions of Parliament, some of which Acts have since been repealed; and doubts having arisen whether such rules, orders, or regulations are still of legal force and efficacy; Be it therefore enacted, that all rules, orders, and regulations already made or issued by or under the authority of the said Commissioners, under or in pursuance of any Act or Acts relating to the Customs, or to Trade or Navigation, although such Act or Acts may have been repealed, shall be and continue in full force and effect, so far as such rules, orders, and regulations are consistent with the provisions of the laws in force relating to the Customs, or to Trade or Navigation, unless and until the same shall be revoked or rescinded, and that all Acts whatsoever done or to be done in pursuance of any such orders, rules, and regulations shall be valid and effectual."

Mr. HUME opposed the adoption of the clause.

Clause brought up, and read 1°.

Motion made, and Question put, "That said Clause be now read a Second Time."

The House divided:—Ayes 50; Noes 14: Majority 36.

Clause read 2°, 3°, and added.

Mr. NEWDEGATE moved, in page 2, line 35, after the words "a true account," to insert the words "of the quantities and real value." He considered that the insertion of these words would form an additional security for the correctness of the Customs accounts.

The CHANCELLOR of the EXCHEQUER objected to the insertion of the words without due notice being given to all persons whose interests would be affected, and to whom considerable inconvenience would be occasioned; but he would not object to consider the question of an improved system of Customs accounts in another Session.

Question, "That these words be there inserted," put, and negatived.

Bill passed.

ADMINISTRATION OF CRIMINAL JUSTICE IMPROVEMENT BILL.

Sir G. GREY said, that this Bill had come down from the House of Lords, and it contained much matter that would constitute extremely valuable improvements in the administration of criminal justice. At the same time there were some clauses, particularly the first and second, which required more consideration than the House could bestow upon them at this period of the Session, and in the absence from town of the Judges. He proposed, therefore, to postpone the Bill for the present Session; but he wished at the same time to state that his hon. Friends, the Solicitor General and the President of the Poor Law Board, who had formerly paid much attention to this subject, had undertaken to attend to this Bill during the recess, in concert with the Judges; and in the course of next Session he would present the Bill again, with such improvements as might then be deemed necessary. In the meantime, he would move that the order for going into Committee on this Bill be discharged.

Mr. HENLEY expressed his entire concurrence in the course adopted by the Government.

Mr. AGLIONBY also declared his opinion that the Government had taken the wisest course with reference to this measure.

Order for Committee read, and discharged.

Bill withdrawn.

FRIENDLY SOCIETIES BILL.

Order for Committee read.

House in Committee.

Clause 38.

The CHANCELLOR of the EXCHEQUER moved that the blank be filled up with 100*l.*

Mr. J. A. SMITH said, he thought the sum fixed by the right hon. Gentleman the Chancellor of the Exchequer was too low a sum. He thought it should be fixed at 200*l.*

The CHANCELLOR of the EXCHEQUER said, these societies were for the benefit of the lower class of people, and 100*l.* was as large a sum as a person of that class would insure his life for. To go farther, would be to confer a benefit, at the expense of the public, on a class different from those for whom the Bill was intended, and therefore he must oppose the suggestion.

Mr. AGLIONBY supported the proposition for 200*l.*

Mr. HUME considered that fixing it at 100*l.* was a great concession. The public was already much taxed for the advantage of these societies.

Mr. J. A. SMITH said, not one of these societies had put the public to one shilling of expense, but they contributed to the revenue by paying stamps on their policies. The Provident Clerks' Association, with which he was connected, had paid in this way 1,700*l.* for stamps.

Mr. P. SCROPE observed, that if they did agree to 200*l.*, it ought to be limited to those societies that were certified under the Friendly Societies Act.

Mr. J. A. SMITH said, he was willing to accede to that.

The CHANCELLOR of the EXCHEQUER said, he allowed existing insurances to remain as they were, but that the Act would apply to future assurances.

Clause agreed to.

Clause 39.

Sir H. WILLOUGHBY asked whether it was intended to subject friendly societies to all the clauses and provisions of the Acts relating to savings banks? and whether Government would guarantee the continuance of the rate of interest proposed to be given under this Bill—3*l.* 0*s.* 10*d.* per cent.

The CHANCELLOR of the EXCHEQUER said, that it was not intended to subject the moneys invested on behalf of friendly societies to the regulations of the Savings Banks Acts. With regard to the hon. Baronet's second question, he begged to state that there was a certain number of friendly societies to which, by law, an interest at the rate of 4*l.* 11*s.* was insured, and there were other societies to which an interest of 3*l.* 16*s.* was insured. In these cases the rates of interest which had been guaranteed would be continued; but it was proposed in future cases to give a reduced amount of interest. The result of the arrangements he had mentioned was a considerable annual loss to the country, the loss last year upon the interest paid to friendly societies having been 20,700*l.* He thought it extremely desirable that the rate fixed to be hereafter paid should be permanent, and he had therefore proposed a rate of interest a little below that which he might otherwise have been disposed to suggest. He had proposed a rate of 3*l.* 0*s.* 10*d.* per cent as a sum upon which the parties, so far as he could give any assurance, might permanently calculate.

Clause agreed to, as was also Clause 40.

Clause 8.

The CHANCELLOR of the EXCHEQUER moved the following Amendment:—

Amendment proposed, in page 20, line 14, to leave out the words " to pay the same at any time after the decease of such member, according to the rules of the said Society or Branch; and in case there shall be no rules made in that behalf, then."

Mr. HENLEY objected to the clause, on the ground that it was inconsistent with the second clause; and he suggested the omission of the words, " according to the rules of the said society."

Mr. SPOONER said, that in some societies the member had by the rules the power of having the sum paid to his widow; if these words were struck out, he would not have that which was perhaps his reason for belonging to that society.

The ATTORNEY GENERAL thought it would be advisable to omit the words. It did not appear desirable that there should be various systems or rules prevailing; it would be better that there should be one rule, the rule of law, as to the distribution of an intestate's effects; and if a person wished his property otherwise distributed, he could make a will.

Lord D. STUART apprehended that it was not the habit of the class of persons in question to make a will.

Question put, " That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 25; Noes 32: Majority 7.

Clause as amended agreed to, as also was Clause 42.

Clause 43.

The CHANCELLOR of the EXCHEQUER said, that it was never contemplated that there was to be such a nominee system as had grown up, enabling people to evade to such an extent the stamp and probate and legacy duty, and, if so minded, to cheat their creditors. He believed there was a person of high rank in this country whose life was insured for no less than 5,000*l.* in this way.

Clause agreed to. Remaining clauses, as amended, were also agreed to.

House resumed.

Committee report progress; to sit again To-morrow, at Twelve o'clock.

TRANSFER OF IMPROVEMENT LOANS (IRELAND) BILL.

Order for Second Reading read.

Mr. ARKWRIGHT wished to know why the Bill was introduced at so late a period of the Session.

The CHANCELLOR of the EXCHEQUER, in reply, stated that it had been found necessary to introduce it in consequence of the recent Act for the advance of certain further sums for the improvement of land, containing one word which the law officers in Ireland were of opinion would have the effect of preventing a proprietor, who had taken a loan for one portion of his estate, transferring it to another portion. The Bill was intended to authorise such transfers.

Bill read 2°.

LOUGH CORRIB IMPROVEMENT COMPANY COMPENSATION (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, " That the Bill be now read a Second Time."

Sir H. WILLOUGHBY said, he thought it very extraordinary that Government should introduce a measure to compensate persons for an unfortunate speculation. The House should certainly have some explanation.

The CHANCELLOR of the EXCHEQUER, in reply, said, that the Lough Corrib Company had undertaken certain works which they were unable to proceed with, and that an Act had been passed in consequence to enable the Board of Works to carry out not only the object of the company, but to effect certain works of great value to that part of Ireland. The company had executed a certain quantity of works near Galway, and had improved the navigation; and it appeared that they had, on the whole, made improvements to the extent of 5,000*l.*, which the Bill proposed should be paid to them in consideration of their labours; competent engineers having been consulted on the subject, thought that that was a fair sum.

Mr. HUME wanted to know what was the value that the country got for this sum of 5,000*l.*

The CHANCELLOR of the EXCHEQUER said, that the advantage obtained would be, that a certain portion of the channel of the river was excavated by the company, and the public would get the benefit of that improvement.

Mr. HUME wished to be told what good it was when done?

The CHANCELLOR of the EXCHEQUER replied, it would have the effect of lowering the level of Lough Corrib, and much land near its shores would thereby be gained by the owners of the adjoining estates; but those persons would be taxed to repay the expenditure so operating for their benefit.

Mr. C. ANSTEY said, that, in doing anything with regard to inland navigation, it appeared to him that the report of the Select Committee on the Irish Fisheries might advantageously be consulted.

Colonel DUNNE would be glad to know what was to be done with any profit arising from those works—was it to be handed over to the Treasury?

Mr. M. J. O'CONNELL said, that estimates for 3,500*l.* and 1,800*l.* had been given in with reference to these works, and he wished to know if those estimates had been in any manner authenticated. He hoped at the proper time, probably when the Bill was in Committee, that the right hon. Gentleman would be able to give the House some information on the subject.

Mr. AGLIONBY was glad this Bill was introduced; because it would only do a small and very tardy act of justice to a body that had spent large sums of money for the improvement of Ireland. The 5,000*l.* would only be about 2*s.* in the pound of the money that the company had sunk for the benefit of Ireland.

Mr. ARKWRIGHT thought it very unfair for the Government to bring forward Bills at the end of the Session in this way, when it was impossible to pass them if the ordinary forms of the House had been complied with. He would move that the Bill be read a second time that day three months.

Amendment proposed, to leave out the word "now," and at the end of the Question "to add the words upon this day three months."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 63; Noes 10: Majority 53.

Main Question put, and agreed to.

Bill read 2°, and committed for To-morrow, at Twelve o'clock.

MEDICAL CHARITIES (IRELAND) BILL.

Order for considering the Amendments to the Medical Charities (Ireland) Bill, read.

Mr. CLEMENTS moved a clause as a substitute for Clause 8. He stated that one object of his proposition was, that poor-law guardians should divide unions, when necessary, into dispensary districts, in every case submitting such change to the consideration of the Board of Health.

Sir W. SOMERVILLE said, he felt himself under some embarrassment with respect to the clause proposed; for although he did not object to the principle of the clause, it proposed to displace one which had the approval of his hon. and learned Friend the Member for the University of Dublin. The effect of the clause would be to give increased power to the local boards. He should not object to the clause if he might not be thought, perhaps, guilty of a breach of faith to his hon. and learned Friend the Member for the University of Dublin, by whom Clause 8 had been supported, and who was not then present.

Colonel DUNNE supported the clause proposed to be substituted for Clause 8, which he thought a much better one than that.

It was agreed to strike out Clause 8, and substitute the amended clause instead.

Sir W. SOMERVILLE said, he hoped the hon. Member would draw up a clause instead of Clause 13, in accordance with that one which he had just introduced. He (Sir W. Somerville) had undertaken to draw up a clause in accordance with Clause 8, but he could not now promise to do so.

Bill to be read 3° at Twelve o'clock To-morrow.

SAVINGS BANKS BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir H. WILLOUGHBY put it to the Chancellor of the Exchequer whether, as the House had now arrived, at so late a period of the Session, and considering the vast number of petitions presented against the Bill, it would not be desirable to postpone the consideration of the subject until next Session, so as to allow of a consolidation of all the statutes relative to the savings banks, and an inquiry into the whole subject? The right hon. Gentleman, he admitted, had done all in his power to bring the question forward; but he hoped he would concur with him, that at the present hour (10 o'clock) it was impossible to go into a discussion of the Bill.

The CHANCELLOR of the EXCHEQUER said, it was certainly with very great regret he had come to the conclusion that he must postpone even the discussion upon this Bill until next Session. He had wished such a discussion to take place, because he believed that considerable misunderstanding existed relative to the provisions of the Bill. He had been anxious, in the first place, to pass the Bill if he could; and, when he found it impossible to do that, he was very desirous to have a discussion upon it. But, looking at the present state of the House, and the time of night, he was most unwillingly and unavoidably compelled to comply with the wish of the hon. Member, and to withdraw the Bill for the present Session.

Mr. **HUME** felt glad that the right hon. Gentleman had adopted the course suggested to him. The measure was one of great importance; and he therefore hoped it would be the very first thing entertained next Session. It was full time that these banks should be put on a footing different from heretofore; and as certain resolutions, the results of reports, were in his (Mr. Hume's) possession, he would lay them on the table to-morrow, with a view to their being printed, when hon. Gentlemen would have full time during the recess to read them over, and thus make themselves minutely acquainted with the subject before coming to legislate on it in the next Session.

Mr. **HINDLEY** trusted no alarm would be created amongst the depositors in savings banks; and that, if trustees did not do their duty, the Government would act as they had done in the case of the Cuffe-street savings bank.

Mr. **S. CRAWFORD** agreed in the necessity for postponing the Bill, but expressed a hope that the right hon. Chancellor of the Exchequer would bring forward such a measure next Session as would give ample security to depositors.

Mr. **P. SCROPE** said, that the Savings Banks Bill had been promised on the first night of the Session, and yet the Government were unable to get even a discussion upon it. The sooner the right hon. Gentleman brought in a Bill next Session to place these institutions upon a firm and satisfactory footing, the better.

Mr. **REYNOLDS** said, that, though he admitted that the right hon. Gentleman the Chancellor of the Exchequer had no alternative but to withdraw the Bill, he deeply regretted the necessity for taking that course. The Bill was an improvement on the present law; but he would recommend to the right hon. Gentleman the propriety of making the responsibility of the State with respect to the savings of the poor as complete as possible.

Motion, by leave, withdrawn.

Second Reading put off for three months.

The House adjourned at half-after Ten o'clock.

HOUSE OF LORDS,

Friday, August 9, 1850.

Minutes.] A Conference.—Court of Chancery (Ireland).

Public Bills.—1ª Customs.

2ª Turnpike Acts Continuance, &c. (No. 2); Portland Harbour and Breakwater; Decrees of Court of Chancery as to Real Estate vested in Married Women; Duke of Cambridge's Annuity; Marlborough House; National Gallery (Edinburgh); Consolidation Fund Appropriation; Police Superannuation Fund.

Reported.—Fisheries; Registrar of Judgments Office (Ireland); Municipal Corporations (Ireland) (No. 2); Grand Jury Cess (Ireland).

3ª Fees (Court of Common Pleas) (No. 2); County Court Extension Act Amendment.

THE CRIMINAL LAW COMMISSION AND DIGEST.

Lord **BROUGHAM** (who was very imperfectly heard) said, that he wished to draw the attention of the House to the present situation of the Commission for inquiring into and reporting on the Criminal and Common Law of this country. The Commissioners of Criminal Law had been appointed by a Commission issued by himself in 1831. The Commission had conducted their labours with the greatest perseverance and ability, and one proof of their industry was that they had digested the criminal law into one statute containing 800 or 900 different articles, besides making some most important suggestions. In the course of last summer the Commissioners had completed their labours, and had produced another statute digesting all the rules and proceedings of the criminal courts. This magnificent work having been completed, it appeared to Lord Lyndhurst, Lord Cottenham, and himself, that the true mode of passing this legislative code was not by sending these two Bills, containing from 1,500 to 2,000 articles, to the two Houses of Parliament to legislate upon—for no legislative power of either House separately, or of both Houses combined, would be able to undertake such a mass of legislation—but by submitting them to another Commission well and carefully selected, in order to the most perfect revision of the labours of the preceding Commission. It would be bad economy to allow the Commission to fall to the ground after the country had spent from 90,000*l.* to 100,000*l.* upon it; and he recommended its continuance till the members of it had again revised the code which they had drawn up. It had been reported that the work of the Commission had been performed by the late Mr. Starkey, its secrectary. This charge he strenuously denied, and could assure their Lordships from the communications he had had with the Commissioners, that it was their work, and their work alone. It was too late in the day to advocate either the policy or the necessity of having a good digest of the law, which all were bound to obey. It was impossible to over-estimate the advantages which France had derived from the code drawn up by command and under the active superintendence of that wonderful genius the late Emperor Napoleon. He thought this was a subject of so much importance, that he would give notice that early next Session he would call the attention of the House to the subject.

OFFICIAL SALARIES—REPORT OF THE COMMISSIONERS.

Lord BROUGHAM proceeded to make some remarks on the report recently made by a Select Committee of the House of Commons on official salaries. There were imperfections in every line of it. The savings which it recommended were utterly insignificant in a financial point of view, while it trampled upon all considerations of justice at home, and destroyed all our diplomatic representation abroad. What information the Committee had got, where they had got it, to what witnesses they had resorted to enlighten the darkness of their understandings, he could not by any possibility conceive. With regard to the reductions to be made in the salaries of the Judges of the High Court of Chancery, they had neither examined Lord Lyndhurst, Lord Cottenham, nor himself. They had passed over all the abuses of that court, and had made no reference to the salaries paid to its subordinate officers. He particularly objected to the reduction of the salary of the Lord Chancellor to 8,000*l.* a year, and of the Lord Chief Justice of the Common Pleas to 6,000*l.* a year. Such a mass of contradiction, absurdity, and ignorance, he had never seen comprised in a single report. They recommended that the salary of the Judge Advocate should be reduced on the next appointment from 2,000*l.* to 1,500*l.* a year; but, as a makeweight, they recommended that the future holder of that office should not be debarred from the practice of his profession. Why, he was not debarred from it at present. The late holder of the office practised before the Judicial Committee of the Privy Council; and if Mr. Stuart Wortley had given up practising before the Judicial Privy Council whilst he held it, it was only because he was himself a Privy Councillor. That gentleman, as Judge Advocate, had as much right as any of his professional brethren to practise in the Courts of Queen's Bench, Common Pleas, Exchequer, and Chancery. He (Lord Brougham) objected to many other reductions recommended by the Committee, and especially to the reduction of the salaries of the Masters in Chancery to 2,000*l.* a year. He had himself reduced them from 5,000*l.* a year, to which their salaries, with fees, in some instances formerly amounted, to 2,500*l.* a year; and below that sum he was not prepared to go. Some three or four years ago their number had been reduced by not filling up two vacancies which occurred; but now, owing to the Winding-up Act, they were overwhelmed with work, and their numbers ought to be increased. He had by means of a connexion of his own some insight into the amount of labour they performed; and he would say that eighteen hours a day would not enable them to get through it. He would revert once more to the miserable saving proposed in the reduction of the salaries of the Lord Chancellor and the Chief Justice of the Common Pleas. His noble and learned Friend on the woolsack was, he supposed, to have only 8,000*l.* a year. Considering that he was entitled to that amount of salary as Lord Chief Justice of the Common Pleas, he was surprised to find that his noble and learned Friend had given up that salary, which he might have retained for life, for the same amount of salary in an office far more laborious, and from which he might be removed, perhaps in the course of the next four or five months, it might be with, and it might be without, a retiring pension. Then, did the ignorant men who formed this Committee know the difference in the amount of the labour performed by the Lord Chief Justice of the Court of Common Pleas and the puisne Judges of that court? The Chief Justice was to have 6,000*l.* a year; the puisne Judges 5,000*l.* All the Judges of that court, the Chief Justice as well as the puisne, had to go circuit. But the Chief Justice, besides that labour, had on the close of every term to go to the Guildhall and Westminster sittings, which generally lasted two or three weeks after each term. Anything more ignorant than this arrangement he could not conceive. Then how utterly ridiculous was the plan of cutting down all the diplomatic salaries and offices to the same size. All of them were to be abolished, and a single mission at some central point in Germany was to be substituted for the several missions now existing at Hanover, Dresden, Stuttgard, Munich, and Frankfort. Nay, more, the mission at Florence was to be united with one of the Italian missions. He supposed that the next proposal of this Committee would be, that a mission should be sent to one of the peaks of the Andes, to superintend all our diplomatic relations with the States of South America. It was one of the grossest of all possible delusions, to suppose that these reductions could be defended by the example of the United States. The Government of the United States, considered as a whole, might be a cheap Government; but then it should be considered that, besides its expenditure, there was a heavy expenditure incurred in and defrayed by each State for its own domestic government and administration. America was not a cheaply governed country, for each of the States swarmed with myriads of placeholders. He had been all his life long an advocate for wise and well-considered measures of retrenchment and reform; but he could not allow their Lordships to part without entering his protest against the unwise, nay, he must say, the absurd propositions of this Committee on official salaries. He hoped that he should never see the administration of justice poisoned at its source by measures which would render a seat on the bench unworthy the acceptance of the best and ablest and most experienced advocates at the bar, nor the diplomatic appointments of the country stripped of their due influence by being filled either by men of great qualifications without fortune, or by men of great fortune without any qualifications for the posts to which they were appointed.

SUNDAY LABOUR IN THE POST OFFICE.

LORD BROUGHAM asked whether the Commission which had been appointed on this subject were likely soon to conclude their inquiry?

The MARQUESS of CLANRICARDE replied, that a Commission had been appointed by the Treasury in conformity with a Motion made and voted by the House of Commons. They had met two or three times, and they would meet again To-morrow, when he hoped they would be able to agree to the report.

The MARQUESS of LANSDOWNE said, it was highly desirable that this matter should be speedily settled. Scarcely a day had elapsed since the new arrangements without complaints of inconvenience, and in some cases the most calamitous consequences had resulted. There was the case the other day of Mr. Pike's murder in Ireland, when, in consequence of the postal delay, the brother of the unfortunate man was prevented from being present at the coroner's inquest. The subject had been one of unremitting inquiry by the Committee, who, he trusted, would be able to propose a better arrangement than the present.

THE MONEY LETTER DEPARTMENT OF THE POST OFFICE.

The EARL of ST. GERMANS drew the attention of the House to the debate that had already taken place upon the subject of Post-office appointments. With reference to the clerks in the Money Order department of the Post Office, there appeared to be an impression that the condition of the probationary department was better than he had represented it to be. The fact was, that until recently no clerk in the probationary class, however long his services, could receive more than 70*l*. a year. By a recent regulation 10*l*. a year additional might be added after five years service, but beyond that there could be no augmentation. The other point he would advert to, had reference to the appointment of Mr. Farmer, from Edinburgh, to the head clerkship of the Money Order Office. From what the noble Marquess had stated on a former occasion, it would be inferred that the other clerks in that office had been passed over on account of incompetence. That, however, could hardly be the case, since it had been represented to him that the vacant situation had been offered to three of the senior clerks in that office, if they would consent to retract certain statements in a memorial to which they had attached their names.

The MARQUESS of CLANRICARDE observed, that the noble Earl was correct as to his first observation. The new rule only came into operation in June last. He did not mean to infer by anything that he had said or done, that the clerks alluded to were incompetent to the discharge of the duty of the office in question. With respect to the offer of the place made to these parties, he would only say that no offer had ever been made with his sanction to an appointment with any conditions whatever. The noble Earl might depend upon it that the statement to which he had alluded was utterly without foundation. He also did not believe, for one moment, that Mr. Rowland Hill would ever permit such an offer to be made. As for the complaint about the removal of Mr. Farmer from Edinburgh to London, it should be recollected that only a few years ago he had been sent by the preceding Postmaster General to Edinburgh to be placed over the clerks at that place. He did not consider, for one moment, that the removal of Mr. Farmer from Edinburgh to London was in any way a degradation or reflection on the other clerks in the Money Order Office.

The **Earl** of **ST. GERMANS** read an extract from a petition which had been presented to the House of Commons by these clerks, stating that such a conditional offer had been made.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, August 9, 1850.

Minutes.] Public Bills.—1ª Savings Bank Act (Ireland) Continuance.

Reported.—Union of Liberties with Counties.

3ª Deanery of St. Burian Division; Medical Charities (Ireland).

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE (No. 2) BILL.

Order for Committee, read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. REYNOLDS rose to move, that the Bill be committed that day three months. He appealed to the Government (they having had an entire night for reflection) whether they intended to persevere in attempting to pass this Bill, and to inflict another gratuitous insult on the people of Ireland? He scarcely hoped to succeed, although he believed he ought to succeed, because the accounts received every day by the post more than corroborated what had already been stated respecting the peace and good order which existed in the country. Some said it was entirely owing to the operation of this Coercion Act. He did not believe it; but, if the Bill was to be passed on that ground, he wished to know when it was to cease? Because, if the want of peace and order was to be urged for its adoption one year, and the existence of peace and order urged for its continuance another, he presumed he must suppose it was intended to have a perpetual existence. The hon. Member for Montrose referred yesterday to a supposed compromise which the Irish Members had entered into with the Government to give no further opposition to the Bill. If there was any such compromise he was no party to it, but he was informed that there was none. The suspicion, he believed, had arisen from the circumstance of the Government determining not to support the Landlord and Tenant Bill; but it was quite unnecessary to have entered into a compromise with respect to that measure, for the Irish Members could have strangled it, if necessary.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. G. THOMPSON said, he could support the Amendment of the right hon. Gentleman with perfect consistency, because he was one of the small number who opposed the Bill when originally introduced by Government. On the present occasion Her Majesty's Ministers had displayed a degree of taciturnity which argued the weakness of their cause. The right hon. Gentleman the Secretary of State for the Home Department, in the able and temperate address which he delivered when asking leave to introduce the measure in November, 1847, told the House distinctly and repeatedly, that he proposed the measure with great reluctance, but that his object was to lessen the evils which had grown out of the state of the relations between landlord and tenant, and that if the measure were passed, and the Lord Lieutenant armed with the extraordinary powers which it would give him, it should be followed by measures adapted to remove the cause out of which the evils which they all deplored originated. Looking back, however, to their legislation since 1847, he did not remember a single Act which had passed that House calculated to reach the seat of the evils which the right hon. Gentleman had admitted were the fruits of the existing state of the law of Ireland. Under these circumstances, could he, as an English Member, vote with any party in favour of the continuance of this (to use the word of the right hon. Gentleman the Lord Mayor of Dublin) "insulting" Act? Was it not paraded in the Speech from the Throne at the commencement of the Session that Her Majesty was received in Ireland with a burst of loyal feeling? Had the House not been told that there was a large and gratifying diminution of crime and outrage in that country? that the calendars, even in the troubled districts, were lighter than they had ever been known in the memory of man? Why, then, in these circumstances, should the House be called upon to continue this exceptional, not to say unconstitutional, measure for two years longer? The time was come, he thought, when they ought to allow the Act to expire, and when the House ought to show that they had some faith in the Irish people. The disaffection which gave rise to the Crime and Outrage Act did not now exist. The individuals who promoted it were not now in the country; and the press that fomented that disaffection was utterly extinguished, or if not extinguished, had greatly modified its tone. He should support the right hon. Gentleman in the Motion he had made, and he asked the Members for Ireland on this occasion to do their duty. He witnessed a state of things yesterday which was discreditable to the Irish Members. Out of 105 Members, thirty-three only were within the walls of that House; of this number eighteen voted for, and only fifteen against the measure—the whole number of Irish Members present being considerably less than one-third of the entire representation of that island, when a measure was under discussion affecting the enjoyment of constitutional government in that country. He called on Irish Members to do their duty on this occasion; it was not even now too late for them to do so; and he trusted that the House would not give its sanction to so wanton an outrage on the constitutional liberties of the people of Ireland as was contemplated by this Bill.

Mr. AGLIONBY said, that ever since he had had a seat in that House he had taken a lively interest in the affairs of Ireland, and although he had on a former occasion resisted a Coercion Bill, he felt that he was acting quite as consistently as the hon. Gentleman who had just sat down in giving his vote in favour of the Bill now proposed by Government. Although, however, he should support this measure, believing it to be necessary, he begged to say that he had never on any occasion been absent when he had had an opportunity of voting for a remedial measure for Ireland, and as long as he had a seat in that House he never would. It was said that the measure was unnecessary. He had no evidence that it was unnecessary. As far as he could judge from the public papers, public documents, and the declarations of public men, there was a frightful amount of outrage and crime in Ireland. [*Cries of* "No, no!"] He was glad to hear it, but he feared that what he had just said was only too true. [An Hon. Member: Are there no murders in England?] There were murders in England; but they were of a different class. They were not committed in open day, with people standing by ready to shelter the murderer, as if he had done an act worthy of commendation. He regretted, however, that the Bill had been brought in at so late a period of the Session, when there was so little time for investigation and discussion respecting it. The Bill was printed only on the 6th of August, and this was the 9th, and many Irish Members were absent.

Mr. MOORE said, that of all the reasons that had been given for voting in favour of this measure, the strangest was that which had been stated by the hon. Member for Cockermouth. That hon. Member had said that he voted for it because it had not been proved to be unnecessary.

Mr. AGLIONBY said, he had assigned the existence of crime and outrage as his reason for supporting the Bill.

Mr. MOORE said, that the hon. Gentleman had forgotten the admission of the noble Lord at the head of the Government, and also of the right hon. Gentleman the Secretary for Ireland, that crime and outrage did not at present exist in Ireland. The hon. Member for the Tower Hamlets had taunted the Irish Members with not having done their duty on this question; but he begged to remind the hon. Member that when the Irish Members made their first stand against this measure, they had neither the voice nor the vote of the hon. Gentleman. With respect to the party with whom that hon. Member acted, he begged to thank them in the warmest terms for their support on this occasion; but he was bound to say that this was the first time, and that on every previous occasion when Irish rights had to be vindicated, and their wrongs resisted, that party had deserted them.

Mr. G. THOMPSON explained that he was ill in bed on the first occasion when this Bill was discussed, or he would have been but too happy to attend in his place to oppose the measure.

Sir T. O'BRIEN, in reply to the taunt that the Irish Members showed no unanimity on questions deeply interesting to their country, instanced some English measures on which the same want of unanimity amongst the English Members was evinced, alluding more specifically to the Bill for improving Spitalfields, which they discussed on the previous day, and on which they found, not merely English Members differing, but even those who represented the metropolis, although the measure was purely metropolitan in its character. He must oppose this Bill, as totally uncalled for.

Mr. C. ANSTEY said, that the conduct of the hon. Member for Cockermouth was most extraordinary. When Coercion Bills were first brought under the notice of the reformed Parliament, the hon. Member was one of a small band of English Members who voted with the late Mr. O'Connell against them, although a much stronger case was made out for them then, than there had been on the present occasion; and now they had the hon. Member voting for the present measure, simply because he was ignorant that it was unnecessary. This was not a question of opinion, it was a question of fact. He called upon the supporters of the measure to show that the existing law was insufficient for the existing emergency. He admitted that there were murders in Ireland, just as there were murders in England; but he maintained that the existing law was as strong in the one country as it was in the other to reach the murderers. He admitted that in Ireland convictions could not always be obtained from jurors; but were there no cases of English juries refusing to convict a murderer, because they thought it a less crime to violate their oath than to assist in taking away human life? He should support the Amendment.

Sir G. GREY did not think the hon. Member for the Tower Hamlets was quite just towards the Irish Members, in attributing insincerity to them with reference to this measure. In point of fact, he thought that their opposition had been most strenuous and consistent. The Bill which came down from the Lords had to be laid aside in consequence of an informality. It became necessary, therefore, to move for leave to introduce another. That Motion met with a strenuous opposition, and two debates took place upon it—rather an unusual course on such an occasion. There was another discussion and division on the second reading, and now the opposition was renewed on the Motion for leave to go into Committee. He must say he was surprised, therefore, to hear the hon. Member for the Tower Hamlets charge the Irish Members with insincerity. The hon. Member, although it would appear that he had referred to the Parliamentary debate which took place when the Bill was originally introduced, had quite misconceived or forgotten the object of the Bill. The hon. Gentleman seemed to think that it had been introduced for the purpose of repressing the unfortunate political disturbances which occurred in Ireland two years ago; and he argued, that as there was now no political disaffection, as the Queen had been received with the warmest expressions of loyalty and attachment by the people of Ireland, and as the leaders of the insurrection were now far removed, the Act should be allowed to expire. But the fact was, that the Bill was antecedent to the political disturbances. It had no connexion with them, and had passed into a law long before they occurred. The hon. Gentleman ought to have known that the Bill was not introduced with reference to political disturbances at all, but with reference to a system of assassination which had attained a great height, and which was a disgrace to a civilised country. The ordinary law was quite sufficient to punish crime; but it was not, in the opinion of the Government, strong enough to prevent it. The Bill was not of a penal, but of a preventive character. Its object was to prevent the commission of crime. The hon. and learned Member for Youghal had also misconceived the object of the Bill. He had clearly confounded it with the Coercion Bill, as it was called, of 1832–33. The hon. and learned Member had referred to the difficulty of obtaining convictions for murder, and had said that a similar difficulty was not unknown in England, whereas the Act did not at all interfere with the ordinary forms of trial. The operation of the Bill was antecedent to the commission of crime—with the exception of cases where crime was rife in any district; but the cases of crime to which it referred were altogether different from the kind of murders which occurred in this country. They were cases of assassination in open day, similar to the one which occurred a few days ago—assassinations in broad daylight, before an assembled populace, without a hand being raised to arrest the murderer and bring him within the reach of the law. The Bill provided that the Lord Lieutenant should have power to send additional police into a disturbed district to perform the duties which were performed in this country by the population to a man, and to impose upon the district the expense of the additional police which was rendered necessary by the sympathy which existed with the criminal, but which might easily be avoided by their performing the duty which was morally and legally imposed upon them. No doubt the Bill suspended some rights. It empowered the Lord Lieutenant, for instance, to restrict the possession of arms, and to require that parties using them should have a licence. But it did not deserve the hard names which had been applied to it in these debates. He believed, indeed, that if this Act were hastily and inconsiderately removed, it would, in all probability, render necessary the introduction of another measure of still more stringent provisions than this. The hon. Member for Mayo was mistaken in supposing that the noble Lord the First Minister of the Crown, and the right hon. Gentleman the Secretary for Ireland, had said that crimes and outrages had entirely ceased in Ireland. They said no such thing. What were the facts on this point? He (Sir G. Grey) held in his hand a return which was moved for some weeks ago by the hon. Member for Kerry, showing the number of outrages reported by the constabulary in Ireland during the periods of six months ending respectively 30th of June, 1848, 31st of December, 1848, 30th of June, 1849, 31st of December, 1849, and 30th of June, 1850. He found that in the six months ending the 30th of June, 1848, the number of cases of homicide was 86; firing at the person, 37; and firing into dwellings, 65. In the last half year, namely, the half year ending the 30th of June, 1850, he found a gratifying decrease; but it would be seen that outrages were far from being totally extinct. The number of cases of homicide was 76; firing at the person, 27; and firing into dwellings, 24. In many countries this would be thought a frightful amount of crime. In these circumstances the Government had thought proper to propose the renewal of the Act for a limited period, to enable the Irish Executive to take the necessary precautions against the commission of crime. He trusted the House would, in accordance with the previous votes, intrust the Government for a limited period with the strong powers of this Act. The hon. Member for Cockermouth was quite correct in saying that this new Bill was printed only on the 6th of August; but it ought to be remembered that the preceding Bill came down to them from the Lords five weeks ago, and it was fixed for deliberation at a much earlier period, but it was prevented from coming on by the unexpected debates which arose respecting the claim of Baron Rothschild to take his seat. It could not be said, therefore, that the House had been taken by surprise.

Mr. MOORE said, the exact words used by the right hon. Gentleman the Secretary for Ireland were, "I have no statement to make of crimes and outrages."

Sir W. SOMERVILLE said, that what he stated was, that he had no long list of outrages to read to the House. On the contrary, he was very glad to assure the House that the state of crime had greatly improved.

Mr. W. J. FOX said, that the right hon. Baronet had told the House that crimes of the description which this measure was specially intended to put down had not entirely ceased in Ireland. Such was unhappily the fact; and they were not likely to cease entirely in that country while the system existed which was the great stimulus to crime. But the right hon. Gentleman had also stated that those crimes had materially diminished. The single argument which had been urged in favour of this Bill was this: Crimes of a certain description, and of an atrocious character, were very abundant in Ireland some three years ago; they had now very much diminished; this Act had been the efficient cause of the diminution, and therefore it should be continued until the outrages were entirely put down. Now, this argument involved a fallacy. If the Bill had been the efficient cause of checking crime and outrage in Ireland, how had it done so? There were two modes in which it might have operated—either by making the effect of its formidable powers evident at once, and staying the tide of crime while it was flowing full and fast, or by producing a continuous and gradual diminution, from year to year. Had it operated in either of these ways? He denied that it had. According to the returns on the table, it appeared that crime considerably increased, instead of diminished, in the year following the passing of the Act—not only crime generally, but the particular species of crime against which the Act was levelled. It increased upwards of 23 per cent after the passing of the Act. This put an end to the argument that the Bill had, by one great blow, arrested the progress of crime. Well, then, if the Bill had not immediately arrested crime, had it gradually done so? Nothing of the kind. They had first an increase, then a diminution, and again an increase. As, therefore, the theory of a gradual operation was as untenable as a sudden operation, he contended that they should fall back upon a common-sense view of the case, and leave Ireland to the regular operation of the laws and constitution of the country. With respect to remedial measures, he would not say that the Government had done nothing, but he denied that they had done enough. They had done something in passing the Incumbered Estates Bill; but that was not a measure which reached the great mass of the peasantry. They had also done something to redeem the franchise from utter extinction; but it had not yet been put on the same level as it was in this country. On one thing, however, the Government had done, and were doing, great good to Ireland—he referred to the educational scheme in operation there. He believed that Irish education had done what English education had not done. It had thrown up a barrier against criminality; and he attributed this to the different spirit in which education in that country was conducted. He found that while, during the last ten years, in England the proportion of criminals who had been partially instructed had been gradually increasing, as compared with those who had received no education, in Ireland crime was almost totally among the uninstructed, and that crime among the instructed was diminishing instead of increasing, as in this country. But he believed that peace and quietude in Ireland could never be secured until measures of a more peaceful and mentally influential kind, such as he had referred to, were still further extended. No country would remain contented where the established religion was only that of a small minority—where the worship of one portion of the people was an insult and aggravation to the other, owing to its being supported from the resources of the great body of the public—and where the Church of the State, instead of being a monument of religion, was an unjust and oppressive institution.

Mr. STAFFORD said, he had already stated his reasons for supporting the Bill, and saw only additional reasons for adhering to that course in what had lately passed. The whole conduct of Her Majesty's Government during the present Session, with respect to Ireland, had been calculated to exasperate class against class, to inflame jealousies between landlords and tenants; so that the Bill was absolutely necessary to suppress a series of disturbances and outrages which would otherwise inevitably take place. Nothing could be more lamentable and discreditable than the conduct of Government with respect to a question compared to which all others fell into insignificance, and which was now convulsing Ireland from one end to another—that of landlord and tenant. In the face of the promises they had made in the Speech from the Throne, to introduce a Bill for the amendment of the law of landlord and tenant, they had not only withdrawn their own measure on that subject, but appealed to the hon. Member for Dublin University to withdraw that of which he had the charge. He thought the whole responsibility of defeating the efforts which had been made, and the wishes which were entertained on all sides, and by none more than the Irish landlords, for the improvement of the law on this subject, ought to be cast on the heads of the Government. By the whole proceedings of Her Majesty's Government, which terminated so disgracefully yesterday, they had shown that they preferred other and minor considerations to the settlement of a question in which the tranquillity and welfare of Ireland were so deeply interested.

Mr. TORRENS M'CULLAGH said, he had no intention at any time of offering what was called a factious opposition to this Bill, but he should certainly vote for the Amendment. He called the attention of the Government to a course pursued by the Commissioners under the Incumbered Estates Act. There was a desire to sell estates "cleared," as they were called, and the Commissioners refused to recognise any one as tenant unless he were tenant under lease or indenture, and that had raised a great feeling in Ireland. He thought Government should intimate to the Commissioners that they should not pursue that course. To say that estates should be cleared for the purpose of fetching a higher price, was to proclaim a war against life in Ireland.

Mr. M. J. O'CONNELL said, that the right hon. Gentleman the Secretary of State for the Home Department, in quoting from the returns which he (Mr. O'Connell) had moved for, had made an omission which showed more of official dexterity than of statesmanlike ingenuousness. The right hon. Gentleman had omitted the offence of robbery of arms—an offence which, more than any other, afforded a correct test of the state of Ireland. From that return it appeared that in the first half year of 1848 the robberies of arms were 100; in the second half year, 137; in the first half year of 1849, 67; in the second half year, 46; and in the first half year of 1850 they were 51.

Colonel DUNNE said, he felt as strong an objection as any one to this Bill. He believed that the Government themselves had produced the necessity for the measure, while throughout the Session, the only remedial measure passed had been the Franchise Bill, and that had nothing to do with the peace of the country. He had not opposed the introduction of the Bill, feeling that some such measure was necessary: but he would grant it for the shortest possible time. The all-absorbing question in Ireland was tenant-right; a sort of Parliament on that subject was now sitting in Dublin; and no doubt it would give rise to great agitation. He recommended the Government, instead of slandering the magistrates and abusing the landlords, to adopt just and conciliatory measures.

Sir B. HALL thought a Bill of this nature ought not to be brought in so late in the Session; the House had now spent two hours in discussing whether they should go into Committee or not. The manner of disposing of the public business had come to such a pass that it was absolutely necessary the whole system should be revised, or it would be impossible to get through the business of the country. He must protest against important Bills, with deceptive titles, being brought forward at a period when most Members were wearied with their labours. Since the period of the Reform Bill, he had never known a Session when there was a more anxious desire to transact the public business than in the present Session. On no occasion had they failed to make a House; the House had been rarely counted out; and, excepting the debate on the foreign policy, the speeches had been shorter and more to the point than usual. The sittings of the House had been more protracted; and he defied any man to sit continuously, as they were required to do by the Government, and to give proper attention to the business before them—to say nothing of domestic enjoyments. [The hon. Baronet was proceeding to state the number of hours the House had sat on each day in July, when]

Mr. SPEAKER intimated that the statement was out of order.

Sir B. HALL said, he was using it as an argument against important Bills like this being pressed at so late a period. He would take another opportunity of going into the statement to show the amount of time wasted, and the number of important Bills that had been abandoned. On the present question he should certainly vote for the Amendment.

The CHANCELLOR of the EXCHEQUER said, he had no objection to the statement of the hon. Baronet, provided it were made in proper time.

Mr. MOWATT considered that no just ground had been shown for continuing this measure. In asking for additional powers, the Government signed their own condemnation. He should have supposed they must, ere this, have been convinced of the inefficiency of Gagging Acts, Alien Bills, and other coercive measures. To deal with crimes without going into their causes, was most unstatesmanlike. It was incredible that a people like the Irish would commit such appalling murders as had been recently recorded, except they were suffering from the conviction of extreme wrong. One of these wrongs was the absence of manufactures in their country, which our policy, so called, had put an end to. The power of inflicting two years' imprisonment for the mere possession of arms was most monstrous. The Bill was a reproach to the Government, especially looking at the time and the circumstances under which it had been brought in.

Mr. E. B. ROCHE did not think the time of the House had been wasted in the two hours' discussion of that morning, as the wrongs of the Irish people had been admitted on all sides, though they were traced to different causes. Government, instead of redressing those wrongs, sought to coerce the people; for such a course their responsibility was very great. Admitting the unsatisfactory nature of the relations between landlord and tenant, they had introduced a Bill, and kept it dangling before the people's eyes all the Session, and then withdrew it at the last moment. The consequence was, the breach between landlords and tenants was widened. Had Government pressed that Bill, instead of the Coercion Bill, there would have been much less waste of time. Nothing was to be done this Session for the redress of wrongs. He could not but feel anxious as to the conduct of the people of Ireland, between this period and the next Session. He hoped the tenantry would be firm, but moderate, in their demands; but should, unhappily, any violent measures be resorted to on either side, the blame would rest on the Government. He thought the present Bill wholly unnecessary. Ireland was perfectly tranquil, more tranquil than any one had a right to expect, seeing that all redress of wrongs had been uniformly refused.

Mr. P. SCROPE could not but sympathise with the Government, under the attacks which they suffered from all sides, as to the principle of this measure. He hoped it would be a warning to them to cease governing Ireland by coercive measures.

Mr. GRACE thought that no case was made out for the continuance of this measure. He had supported it in the first instance as necessary to restore peace and tranquillity; that object being effected, the necessity no longer existed.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 82; Noes 34: Majority 48.

List of the Noes.

Anstey, T. C.
Collins, W.
Crawford, W. S.
Evans, Sir De L.
Fox, R. M.
Fox, W. J.
French, F.
Grace, O. D. J.
Greene, J.
Hall, Sir B.
Higgins, G. G. O.
Hume, J.
Humphery, Ald.
Keating, R.
Kershaw, J.
M'Cullagh, W. T.
Moore, G. H.
Mowatt, F.
O'Brien, Sir T.
O'Connell, M. J.
Pechell, Sir G. B.
Roche, E. B.
Salwey, Col.
Scholefield, W.
Scrope, G. P.
Scully, F.
Stuart, Lord D.
Tenison, E. K.
Tennent, R. J.
Thompson, Col.
Thompson, G.
Wakley, T.
Willcox, B. M.
Williams, W.

TELLERS.
Reynolds, J.
Walmsley, Sir J.

Main Question put, and agreed to.

House in Committee.

Clause 1.

Motion made, and Question proposed, "That the blank be filled up with the words 'until the 31st day of December, 1851, and from thence until the end of the then next Session of Parliament."

Mr. MOORE moved that the continuance of the Bill be limited to one year only. He confessed that he felt more anxious for the result of the Motion he now proposed, than for the fate of the Bill itself. The liberal Irish Members, who had always given a consistent support to the Government, were unanimous in favour of the proposition he now made. He trusted, therefore, that the Government would yield to their wishes in the present case, and would consider that sufficient for the year was the evil thereof.

Whereupon Motion made, and Question proposed, "That the blank be filled up with the words 'for one year.'"

Mr. HUME suggested to the Government to yield to the reasonable proposition now made. The former Act was based on the existence of certain facts, which in his opinion formed some justification for the Government in introducing it. But no such facts were produced on the present occasion. For this reason he should support the Motion; but he hoped the Government would accede to the proposition, and would not press the House to pass it for a longer period than one year.

Mr. REYNOLDS supported the Motion. He hoped the Government would see the propriety of not pressing the Bill on the people of Ireland beyond what was absolutely necessary.

Mr. E. B. ROCHE said, that Ireland was now, generally speaking, free from agrarian outrages, and, therefore, there could be no pretence for demanding the continuance of the Bill beyond one year. If Ireland became more disturbed, the Government would then be able to come to that House with a good case to ask for a continuance of the measure for a longer period.

Mr. M. J. O'CONNELL hoped some Member of the Government would attempt an answer to the arguments which had been used in favour of the proposition now made. The noble Lord at the head of the Government justified this measure on the ground that it would be inconvenient for the Irish Government not to have such a measure. Taking that to be the justification of the measure, the Bill ought not to be continued beyond the period which the necessity of the case demanded.

Sir G. GREY said, that the object of the measure was not to punish crime, as had been supposed, but to prevent crime. With regard to the time which it was to continue, it was possible that the condition of Ireland might so improve, that the Act would not be any longer necessary. So it might in three months. But the Government did not think it right that this subject should be made a matter of discussion next year, and they only proposed to continue the measure for the ordinary period that all similar Bills were passed.

Mr. C. ANSTEY was afraid that the object was to continue this Bill from year to year, in order that Parliament, in a fit of desperation, should pass a permanent Arms Act. He, for one, should never consent to such a proposal. If it was the object to suspend the liberties of the people of Ireland, let them do it by an annual measure. He should vote for the Motion of the hon. Member for Mayo.

Mr. SCULLY thought the grounds stated by the hon. Gentlemen the representatives from Ireland were such as ought to induce Her Majesty's Ministers to accede to the proposition of limiting the operation of the Bill to twelve months. He wished that the queries of the hon. Member for Montrose, relative to the returns of robberies of arms, with the localities in which they occurred, had been answered; and also it was important that they should know what increase had taken place in the number of constabulary, and the extra expense incurred thereby. He hoped Her Majesty's Ministers would not drive them to a division, but accede to the proposition of limiting the Bill to one year.

Mr. S. CRAWFORD protested against the renewal of the Bill for any term whatever. He thought Her Majesty's Ministers would do better to bring to a fair termination the disputed points between landlord and tenant.

Mr. MOORE said, he was not then going to reply. The call upon Her Majesty's Ministers had been unanimously made by the Irish liberal Members; but the right hon. Baronet the Secretary of State did not think fit to give them any answer beyond the cut and dried one, that he had a duty to perform in resisting their application. He hoped a time would come—indeed, he doubted not it would—when, to the application of the Ministry to which the right hon. Baronet belonged, the Irish liberal Members would also respond that they had a public and a national duty to perform.

Lord J. RUSSELL said, the Bill before the House was one for the discouragement of crime in Ireland; and that being the case, he considered that the continuance of the Bill for a period longer than twelve months would have a beneficial effect in discouraging and repressing crime, particularly the dreadful crime of murder. It was, indeed, desirable that the period for which it would be necessary might be short. What was desirable for Ireland, as for England and Scotland, was, that they should induce habits of order and obedience to the law; and having induced these habits and that obedience, they might then rely on the operation of the ordinary law for the prevention and punishment of ordinary crime. By limiting and shortening the duration of Bills, they withdrew the repression imposed upon crime, the consequence of which was that crime revived; and then, again, they were obliged to have recourse to extraordinary measures to repress it. He, therefore, thought that, if they wished the measure should not in reality be of lengthened duration, they had better now consent to its enactment for two years, as such a course would be wiser than applying again for a renewal. The hon. Member for Rochdale had alluded to the question of landlord and tenant, with a view to the intentions of Government in the next Session. He agreed with the hon. Member in the general principles laid down by him, that although they could not prevent dissensions and differences occurring between landlords and tenants by statutable enactments, it was yet desirable that any defects that might be found to exist should be removed; and that the tenant should have due remuneration for his improvements, as well as the landlord full security for his property. Her Majesty's Government proposed to introduce next Session a Bill for the settlement of the relations of landlord and tenant in Ireland; and he earnestly hoped they would then be more successful than they had hitherto been in their attempts to deal with that question. But in reference to the Bill then before the House for the suppression of crime and outrage, and particularly the crime of murder, he thought it absolutely necessary the Bill should be continued; and he should consequently vote in accordance with that conviction.

Mr. MOWATT thought the Government was bound to inquire into the causes that produced these murders referred to by the noble Lord, with a view to removing them. There appeared in the papers a few days since an account of some 600 persons having been ejected and thrown upon the world. If unfortunate creatures were treated in such a way, what was left them but to turn round like wild beasts on their destroyers? The murder of Mr. Pike was perpetrated in presence of an entire village; which showed how utterly gone the sympathy of the public was for the unfortunate victim. Penal and preventive laws would never answer; they should remove the causes.

Question put—

> "That the blank be filled up with the words 'until the 31st day of December, 1851, and from thence until the end of the next Session of Parliament.'"

The Committee divided:—Ayes 75; Noes 34: Majority 41.

Mr. REYNOLDS said, he would move, on the third reading of the Bill, that its operation be confined to one year. He could assure the Government that no Coercion Bill would remedy Ireland, until the causes of her disaffection should be removed. The temporalities of the Irish Church, and the question of landlord and tenant, demanded settlement; and there would be neither peace nor quiet until they were settled—and indeed, in his opinion, there should not be. He believed the sufferings endured by the Irish people would justify them in resisting their oppressors to the death; and the peace and order that prevailed was not owing to Algerine or Coercion Acts, but to the high religious feeling of the people, as well as the lessons of patience inculcated by their revered clergy.

Lord J. RUSSELL: With regard to what had been said by the right hon. Gentleman the Lord Mayor of Dublin, he thought that the question of the time to which the Bill should be limited had already been sufficiently discussed.

The House resumed.

Bill reported; as amended, to be considered To-morrow.

STATE OF THE IONIAN ISLANDS—CEPHALONIA.

Mr. HUME said, that he was sorry to occupy the time of the House; but having taken a warm interest in the affairs of the Ionian Islands for many years, and having introduced the subject early in this Session, with the view of obtaining the fullest information on a subject which had attracted the attention of all Europe—he meant the proceedings of Sir Henry Ward as Commissioner of the Ionian Islands—he could not allow the Session to pass without making an effort to procure for the inhabitants that which they had so long desired. The melancholy situation in which they were now placed was much to be regretted by any man who looked back to the history of the Ionian Islands. He had had a former opportunity of alluding to this question, but the House having been counted out, the decision did not appear upon the Votes of the House, and it became necessary to renew this notice. The noble Lord the Member for Aylesbury was anxiously looking forward to finish the speech which he had begun, but he was confined to his bed and was unable to attend. He (Mr. Hume) was anxious that the hon. Secretary for the Colonies should have the opportunity of offering any answer he could give as to the proceedings of Sir Henry Ward, of which he complained; and he should be pleased if he could learn from the noble Lord at the head of the Government that he was willing to concur in the object of his Motion, which was to send out a Commission to the inhabitants of these islands, in order that the facts connected with their misgovernment might be brought to the ears of the Government at home; believing, as he did, that our Government had not been in possession of the real truth as to the state of these islands. In order to show that he had ground for that, and that the House ought to listen with attention to any thing that came from that quarter, he would only refer to the proclamation which had been alluded to on a former occasion. It was the proclamation of Her Majesty's Commissioner in the year 1813, for the government of the islands at that time when the Ionians put themselves under the protection of the British Government. General Campbell said—

> "I am directed by the Prince Regent, to impress on the minds of the inhabitants the deep interest his Royal Highness feels in the prosperity of these islands, and recommend the adoption of such measures as may be best calculated to secure the general happiness of the Ionian islands, and support freedom and prosperity."

This was on the 30th of April. On the 24th of June following, General Campbell issued another proclamation stating that it was the desire of the British Government to afford every facility to their enjoying such a constitution as they had, and such improvements as might be made. General Campbell said that such had always been the rule of conduct held by the British Government, and great had been the sacrifices on all occasions made by Great Britain in maintaining the sanctity of her engagements. For six or eight years it had been his (Mr. Hume's) lot to complain of the conduct of Sir Thomas Maitland, who at that time possessed the constitutional power of the island, and he wished he had nothing more to complain of. He was sorry to say that since then the islands had fallen into the hands of worse men: but he would not enter into that further than to express his regret that those hopes which had been entertained by the islanders, and those promises which had been made by the British Government, had altogether failed; and they were now ruled by Sir Henry Ward, who called them semi-barbarians, not entitled to the free institutions which they claimed. The noble Lord at the head of the Government in one instance wrote a letter to them. They had applied for more liberal institutions, and difficulties were thrown in the way by Government. The noble Lord himself found it right to grant certain advantages to them, to enable them to carry on their improvements. In one sentence of the letter he argued freely against those who were unwilling to give the Ionian islanders this increased liberty which they wanted. The noble Lord said that it would not have been to the honour of this country to have occupied the Ionian Islands without having advanced the inhabitants to a better condition than that which they enjoyed before they were placed under the protection of this country. The islanders were in the hands of a clique who got round the Lord High Commissioner. Hence the discontent that had taken place. He regretted that the noble Lord was not better acquainted with the state of these islands. His object then was, and his object now was, to obtain from this Government the mission of two or three men able to make inquiries upon the spot, to see with their own eyes the grievances which the Ionians had suffered, and the remedies by which they should be relieved. He would now state the complaints he had to make against Sir Henry Ward; and he would not refer to any publications or statements but those which had been made by Sir Henry Ward himself. It appeared from the papers on the table, for which he (Mr. Hume) had moved early in the Session, that on the 29th of August last a most atrocious murder was committed in Cephalonia upon a member of an aristocratic family, possessed of large property, who had long resided there, but between whom and the people, he believed, no very good feeling existed. Two or three men had vowed his destruction, and they murdered him in his own house, which they burned down with all who were in it. That event excited considerable alarm, and the report arriving at Corfu, where the High Commissioner was, at 10 o'clock A.M., on Thursday, the 1st of August, at 11 o'clock A.M., according to the letters of Sir Henry Ward, he proclaimed martial law. Considerable alarm was immediately spread throughout the country, and it appeared from a letter, that what was called an outbreak was an assembly of a multitude, who, it was admitted, were brought together to obtain what they could from the attack, and therefore it was called an outbreak. In a despatch of the 7th of February, Sir Henry Ward said, that he had proclaimed martial law, he knowing nothing whatever of the subject. His (Mr. Hume's) complaint was that any man representing the British Government, and holding in his hands the liberties of British subjects, should not so lightly place himself in the situation of declaring military law. [The hon. Member then referred to one or two paragraphs in the despatch of Sir Henry Ward, from which it appeared that there was a gang of assassins, and that, instead of punishing these assassins, Sir Henry Ward had declared martial law, depriving every inhabitant of the protection of the civil law, and placing the island in a state of blockade.] Admiral Parker hastened down, surrounded the island, and kept the island in a state of siege. In one paragraph Sir Henry Ward had stated that in the measures which he had felt it his duty to take, he had used the power with which he was armed under the English Government, he being protector under the British Government. It was againt these powers that the inhabitants had long contended. Sir Henry Ward went on:—

> "As Her Majesty's representative, I have the right to proclaim martial law—I have the entire disposal of Her Majesty's forces—I have a right to lay an embargo on shipping—I can order persons to leave the island, and take up their residence on other islands; and all these powers I have used."

He went on—

> "I am perfectly aware I ran the risk of being denounced as a persecutor and a tyrant for taking these steps, but I had no choice. I had to deal with semi-barbarians, and I must treat them as such; they respect nothing but actual force."

So far from their being barbarians, judging from his experience of them in 1810, a period when he had spent some time in the Ionian Islands, he should say that for intelligence they exceeded the people of any of the Italian States. He had always regarded Sir Henry Ward as an excellent man and a good reformer, and he hailed his appointment to the post of the Lord High Commissioner as a prudent act. He expected that in his new capacity he would have acted up to those principles of freedom which he had advocated when in the House of Commons, and which had never had a warmer defender; but he had been grievously disappointed. The object of his present Motion, however, was not the removal of Sir Henry Ward; he was anxious, on the contrary, that an opportunity should be afforded him of meeting the charges brought against him. He, therefore, under these circumstances, complained of British protection, and he took Sir Henry Ward as a witness, and asked the House now to concur in his resolution to send out a commission which they had asked for from year to year. How could it be expected that Sir Henry Ward could report otherwise than in his own favour? It was very well known that when men were engaged in conflict with popular bodies, or even with each other, they were not to be taken to be the judges of what was right, and allowed to tell their own story; and on that account, looking at the sentiments of the noble Lord at the head of the Government, which he had before stated, he said that there was a great right to complain. He thought that the course taken by Sir Henry Ward showed a great want of judgment; and it was scarcely possible to calculate the injury that was done to the whole island by the mismanagement that had taken place. There were a number of persons, amounting to 68, tried by court-martial; out of those 44 were sentenced to death, of whom 21 were shot, and the sentences of the rest were commuted. The number of persons flogged in 1849 amounted to 80. These things had taken place, and were passed by as a matter of course. And he would tell the House that if such a violation of liberties and civil rights were allowed to take place at their extremities, it would soon come nearer home. He would beg to remark before concluding, that those were mistaken who fancied that on a former occasion he made any reflection on the conduct of the military; in looking for this commission he had no other object than that of discovering the truth.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to appoint a Royal Commission, to proceed to the Ionian Islands, there, on the spot, to inquire into the causes of the disturbances that occurred in the island of Cephalonia, and into the measures taken by Sir Henry G. Ward, the Lord High Commissioner, to restore peace, and into the manner in which forty-four persons were sentenced to death, and twenty-one of them executed, and also into the manner in which ninety-two persons were flogged and others banished from the Island without trial, and generally to institute inquiry into the causes of discontent in these Islands, and to recommend the best means of promoting their future peace and welfare."

Mr. BRIGHT seconded the Motion.

Mr. HAWES said, he could not regret that an opportunity was at length afforded him of offering a defence, and making a vindication, to the best of his power, on behalf of an hon. Friend, who, he believed, when the case was fairly stated, and the circumstances were known—when the papers before the House were not garbled, and the true nature of the outrage was exposed, would not be found open to the censure to which for months he had been exposed. For months his hon. Friend had been the object of attack and abuse for acts alien to his nature, and altogether foreign to his disposition; he was a man whose feelings were altogether opposed to violence and cruelty, and it would be found that he had not forgotten those principles of constitutional liberty, by adherence to which he won his reputation in that House, and would win like reputation in the Ionian Islands. He (Mr. Hawes) was not about to speak with indifference of the proclamation of martial law, and was quite aware of the fearful character of that proceeding, and of the great responsibilty resting upon any one who restored to that tremendous power for sustaining law and government; but he must protest against the matter being presented as if there was sympathy due only to those who suffered under that law, and as if we were not to regard the mischief, the misery, the anxiety, the robbery and plunder, to which innocent and industrious parties were exposed before that power was put in action. He should rely upon a plain statement of the facts, many of which had been altogether suppressed in discussion. Sir Henry Ward arrived in the Ionian Islands in the end of May, 1849. He found the islands in a state of considerable excitement, as would be easily understood when it was recollected how recently most stirring events in Europe had occurred, and which had been felt in many of the most distant colonies of the British empire. He found the finances in great disorder. He found a large and comprehensive scheme of reform prepared by his predecessor incomplete and immature. His first duty was sedulously to devote himself at once to relieving the islands from their financial difficulties, and, more than all, to complete the reforms entered upon by his predecessor. He was employed in this duty. In August the insurrection broke out. Was it owing to any act of his or of his Government? If not, he must not be blamed on account of it. Was there, then, an insurrection? Was it dangerous? Did it require the utmost powers of the Government to suppress it? And did Sir Henry Ward commit any act of which he, as the constitutional Governor, ought to be ashamed? The hon. Member for Montrose began with adverting to a despatch of September last, and he gave the House to understand that there had been a murder, which to be sure, he said, was atrocious. Four persons were murdered; the house was burnt; it was doubtful whether they were not burnt alive. It was, as the hon. Member said, undoubtedly an outrage; and for all that the House knew from his speech, the whole insurrection consisted in that outrage; and to arrest the parties to it the Lord High Commissioner resorted to martial law. But what was the account in the despatch written shortly afterwards? Here was one passage:—

> "The insurrection has not yet spread beyond the district in which it commenced; but the most horrible atrocities have been committed by the peasantry, who have burnt the houses of ten or twelve of the resident proprietors—cut off the heads of two men who refused to join them, and the feet of Signor Rodoteo Metaxa, killed the primates of Scala and another village, and driven back the constabulary everywhere upon the military posts."

Was that anything like the account the hon. Member gave of this insurrection? Did it, or not, convey to the House that there was a general and alarming excitement prevailing, that the most atrocious acts were committed, and that the mischief was spreading? The hon. Member for Montrose, while he referred simply to that outrage as comprising the whole of the insurrection, altogether omitted to refer to portions of the papers on the table which gave a vivid and alarming description of the state of matters at that time. Thus—

> "The insurrection broke out by the attack upon the constabulary on the 27th and 28th of August, and the firing, on the same day, of the house of the Cavalier Metaxa at Scala, at whose murder, and that of four of his servants who were burnt with him, Vlacco and the priest Nodaro presided, while the whole population of Scala looked on with fiendish exultation. Between the 28th and 31st of August the houses of seven other resident proprietors were burnt, murders of the most diabolical character were committed, property to an immense extent was destroyed, men were seized and imprisoned in order to enforce compliance with the most iniquitous demands, and, although the actual outrages were confined to the four districts which I have so often named, attempts were deliberately made to extend the system of terrorism throughout the country, every resident proprietor being informed that he and his family were to be the next victims. Many slept in the churches, others wandered for days and nights together, with their wives and children, in the woods, and, so general were the alarm and confusion thus created—so imminent was the danger that the example of Scala would be followed, and that the peasantry generally, fanaticised by the appeals made to their passions, and by the temptations of easy plunder, would join in the movement, that I am satisfied that within a week that island would have been a desert, had the Government shown the slightest symptom of vacillation, or failed in applying the promptest and most stringent remedy."

The hon. Member might sneer at that passage if he pleased; he might disregard it; he might say Sir Henry Ward was not to be believed: it was one of the remarkable features of our colonial discussions now, that any tale that was taken up against a British officer was believed, and the honour of a gentleman and an officer was thought altogether insufficient to be set against such a tale. But was it Sir Henry Ward alone who described this state of things? Let the House hear a passage in the pastoral letter of the Archbishop of Cephalonia:—

> "Such monstrous, barbarous, and inhuman acts have terrified the entire population of this island, and disturbed the tranquillity of the peace-

> able inhabitants, and obliged the hon. Government to adopt measures to prevent their remaining unpunished, as well as to preserve the public tranquillity and security; and, being unexpected, have troubled the conscience of the Church."

Such was the state of things which burst upon Sir Henry Ward in August—a state of things for which he was not responsible, and which was justified by no act of his Government, and at the very time he was occupied day by day in considering the reforms so long desired and so often promised. Now, who were the leaders in this insurrectionary movement? There was the Papa Nodaro, whose last words, just before his death, were—

> "We have been robbers, murderers, and everything that is horrible, and we justly deserve the punishment we are about to receive."

There was Vlacco, who said—

> "It was not the Government or the English that destroyed him, but his countrymen; the village of Dargata sold him for gold."

These men had raised an excitement which they could not control, and Sir Henry Ward preferred his duty to the Crown and to the people he governed to courting popularity by shrinking from the responsibility he was bound to take upon himself. On the 30th of August, then, martial law was proclaimed, and the civil power was of course suspended; martial law was the suspension of all law. But who was responsible for its being brought into action? Not the Governor, who was bound to uphold order, but those who, taking up arms without just or sufficient cause, provoked it. Did the people of Cephalonia consider that Sir Henry Ward used undue severity, or exercised powers not called for by the occasion? What said the Senate?—

> "That to his Excellency the Lord High Commissioner, Sir Henry George Ward, should be conveyed the full concurrence of the Senate in the provident and necessary measures so opportunely taken by his Excellency in the exercise of his high powers; as well as the gratitude of the Senate, for having restored to Cephalonia that peace which so long and so seriously has been disturbed, and re-established order over the whole island; and, for this signal benefit, that the distinct thanks of the Senate should be expressed to his Excellency."

Let it be granted that these were the opinions of men acting under the influence of Government, if the hon. Member pleased to say so. There was further proof yet. There was the address of 500 proprietors, merchants, and heads of families in the towns of Argostoli and Lixuri in Cephalonia, in which they said—

> "They are not ignorant that the heart of your Excellency has been deeply pained, as would be that of every good citizen and Christian, in consequence of the examples of rigour to which a sad but dire necessity has obliged the Government to have recourse; but you have the consolation of thinking that these measures of rigour were carried out with such prudence, and that such was the promptness and ability of the gallant garrison charged with the execution of them, that they have been less oppressive than could have been looked for in circumstances so calamitous.
>
> "Less certainly could not have been done to subdue a revolt, marked by acts of atrocity and blood unexampled in the history of the country, even in remote times."

Let the House bear in mind that this Address was presented while martial law was in operation. Again, he could appeal to the opinion of the Legislative Assembly, who, so far from having objected to these proceedings, has given the Lord High Commissioner their most entire support. They stated in their reply to the Address—

> "The Legislative Assembly, therefore, feels that it is its duty to unite with the Senate, with the local Government, and great mass of the population of Cephalonia, in thanking your Excellency for the prompt and efficacious measures justly adopted to suppress an insurrection of which it trusts the Ionian Islands will present no other example.
>
> "And the more willingly is this obligation fulfilled, for having, in the performance of its duty, examined the documents laid before it, and which will be published, the chamber is persuaded that amongst the sentences which from the necessity of prompt punishment were executed by the courts-martial, there was not one which had not been merited by the gravity of the crime or crimes for which it was applied.
>
> "And these punishments, the injuries suffered, the rigour used, and all dire consequences, are but the natural results of the extraordinary measures which the extraordinary state of the country rendered indispensable; which the generous spirit of your Excellency has not ceased to deplore; which the Assembly equally deplores, and which it can only attribute to the infamous assassins and unworthy promoters of the disorders which have now ceased."

His hon. Friend the Member for Montrose had complained of the embargo; but all he (Mr. Hawes) would say to that was, that every measure which would have the effect of putting down an insurrection marked with such atrocity ought to be taken, and was at once humane and wise. Talk of the atrocities committed by the courts-martial! Why, let any one refer to the papers, and then he would be enabled to judge of the cruelty and atrocity of those engaged in the insurrection, and whose crimes the courts-martial were called on to punish. His hon. Friend had inferred that those persons, having been tried by courts-martial, had been probably subjected to a summary jurisdiction, in which a very rough measure of justice was meted out to them, and under which they had been deprived of the ordinary protection afforded by the forms of the civil courts of law. Let them listen to the statement of the Lord High Commissioner:—

> "The total number of capital punishments inflicted in Cephalonia between the 26th of August and the proclamation of the amnesty, on the 26th of October, was twenty-one, in which are included Theodore Vlacco, the priest Nodaro, and the other leaders and sub-leaders of the conspiracy, who have taken part in every crime committed between the 26th of September, 1848, and the massacre of the Cavaliere Nicolo Metaxa with his four unoffending servants, in August, 1849, at Scala. But were these twenty-one criminals condemned without proper opportunities of defending themselves? I have directed a full report of the trial of Theodore Vlacco, to be laid before you; and I affirm here, in the face of Europe, that in every other case the same forms were observed and the same opportunities of defence afforded. Vlacco called no witnesses; but in some cases eight and ten witnesses for the defence were examined. Most of the trials lasted a whole day. Many were adjourned because the prisoner wished to produce further evidence. Each court was attended by a sworn interpreter, and presided over by an officer of known experience. As an additional precaution Dr. Rivelli, the Advocate Fiscal of Cephalonia, was present, by my directions, during the whole of the proceedings at Sisi and Gerasimo, and Dr. Tommasi at Scala, in order that the officers presiding might be enabled to consult them if necessary. Not a doubt has been raised by either of these gentlemen as to the perfect equity of the sentences passed. I have myself read the whole of the evidence in every case of capital punishment, as well as in those in which the sentence of death was commuted into imprisonment, with or without other penalties; and I can vouch not only for the earnest desire evinced to spare life where a reasonable ground for clemency could be found, but for the fact, that not one man suffered for the single offence of bearing arms against the Queen, or firing upon the Queen's troops, though these are acts which are dealt with as high treason by the laws of every civilised community. All were proved, upon the clearest evidence, to have been guilty of assassination, robberies of money, plate, or bonds, incendiarism, attacks upon female honour—crimes for which they might have been made amenable to the ordinary courts of justice had not the restoration of order depended upon the promptitude of their punishment."

So that the Lord High Commissioner, at all events, took ample means to secure to the accused an opportunity for making the fullest defence, although he did not for a moment doubt, any more than he (Mr. Hawes) doubted, but that justice would be done by Colonel Trollope and the gallant officers who acted on those occasions. Sir Henry Ward further stated—

> "I will not trouble your Lordship with the details of the painful duties thus imposed upon me, but I can assure you that in no one instance, except in the case of two of the murderers of Signor Metaxa and his four servants at Scala, whose instant execution I took it upon myself to authorise, without referring the proceedings to Argostoli, has a capital sentence been carried into effect without the most anxious consideration of the minutes of the court, both by myself and Colonel Trollope; and that out of the seven persons already executed, there is not one who has been condemned for the mere offence of carrying arms against the Crown, or for any other act that could be construed into simple political hostility. All have been convicted of crimes of the most heinous character: murders, rapes, robberies, houseburnings, threats to rip up women big with child, and to kill children, if their husbands and fathers refused to join the banditti, whose favourite plan of raising recruits seems to have been to strike terror into the hearts of the villagers. Every one of these men would have been just as amenable to justice in a criminal court as before a court-martial; but the effect of the example would have been lost by the delay that always, in this country, attends the administration of justice."

He (Mr. Hawes) complained of the hon. Member for Montrose, for having kept back these facts from the House, and for not having laid before them the real state of Cephalonia, which he could have done from the papers in his hand; and, in justice to his absent Friend, he was bound to have stated the whole of the matters which were so important in coming to a right conclusion as to the real merits of the case. Well, the insurrection was put down, and tranquillity was restored. What was then the course of Sir Henry Ward? Had he relaxed in the smallest degree his exertions to bring about those municipal reforms which he had been previously engaged in considering? Quite the contrary—he carried them out as strenuously as before. The hon. Gentleman the Member for Montrose had alluded to a despatch of his noble Friend at the head of the Government, written in 1839, in which were shadowed out the very reforms which had since been carried into effect by Sir Henry Ward, and had been put into practical operation. Great gratitude was certainly due to Lord Seaton, who had preceded Sir Henry Ward, and who had sketched out a plan of municipal reform of great importance; but it had been the good fortune of the present Lord High Commissioner to have carried out those plans, incomplete and immature when he arrived, and to give the people of the Ionian Islands the full advantages of free representation. He thought the hon. Member for Montrose, when bringing such charges against his absent Friend, was bound to tell the House, that Sir Henry Ward had not altogether neglected to advance those principles to which he had ever been attached; but that, on the contrary, he had steadily adhered to them, and had carried into practice large measures of useful reform, which must be ultimately a great means of improving the condition of the people. He (Mr. Hawes) must say, however, in future the time of the Assembly must not be wasted, as it had been in the last Assembly, discussing idle and visionary notions of establishing a Greek empire, and subverting the British authority. He believed, indeed, that the people were beginning to see, more especially in Cephalonia, that those men whose bad counsels had for a short time influenced the late Assembly, were not their true friends, and that they were disposed to look for wiser and better objects on which to occupy their time in future. If one thing more than another could prevent the success of free institutions, it would be such violence and disorders as had already occurred. The great complaint of his hon. Friend the Member for Montrose was, that the Ionian people had not received the full measure of reform which they were entitled to expect under the rule of Great Britain. Now, he (Mr. Hawes) asserted that Her Majesty had granted to them a larger measure of reform than they could ever have elsewhere looked for. If they had not been under the British Crown, who would have granted them equal privileges? Where could they have obtained such rich markets for their produce? and where have found the same amount of capital? He would admit there had been delay in granting these reforms, and he, in common with most hon. Members, regretted they had not been granted earlier; but they now enjoyed free institutions to a greater extent than they could have expected from any other Power. He was very certain that, when the hon. Member for Montrose was in the Ionian Islands in 1810, not a man spoke to him of reforms which had since been carried into effect. He hoped the House would now let them set about to work out those reforms without stirring up and reviving angry passions and prejudices now almost forgotten. Would they make themselves the receptacle of every feeling of hostility to Great Britain, and give a ready ear to the stories of every Greek newspaper? As a proof of the spirit in which these stories were conceived, he would do no more than refer to the charge which had been made in the same quarters against British officers who had been accused of cruelly flogging 400 persons. Now, the whole number of persons flogged by sentence of courts-martial was seventy; and though papers had been laid on the table to prove that fact, the first statement had never been retracted, nor had the slightest attempt been made to correct the original gross exaggeration with respect to the punishment inflicted. The hon. Member for Montrose stated, in the course of his speech, that Sir Henry Ward had called the Ionians semi-barbarians. That was not the case. Those words were applied by the Lord High Commissioner to the perpetrators of outrages which every man must detest; and it was a libel on his right hon. Friend the Lord High Commissioner to say he had used those words towards the inhabitants generally. Every despatch he had sent disproved such an assertion; but it must be admitted they were justly applied to those who had been guilty of such atrocious outrages. He believed he had now touched all the charges preferred by his hon. Friend the Member for Montrose. No one regretted more than himself that martial law should have been found necessary. No one deplored more deeply the suffering which must have necessarily followed; but it was the bad men who had brought about those bad times to whom the consequences that had fallen on their countrymen were to be attributed, and not to a British governor, charged with the preservation of order and the maintenance of the authority of the Queen. Convinced that the House would do justice to Sir Henry Ward, notwithstanding the misrepresentations which had been put forth against him, not only in the English but in European newspapers; and, satisfied that he addressed those who would make every fair allowance for a British governor, who, surrounded by peculiar and painful circumstances, and by persons hostile to the British rule, had only acted in conformity with the feelings of all the legislative bodies and of the great mass of the people of the islands, and whose conduct had met with opposition from none of the authorities on the spot, but had received the general approbation of all, including the learned Judges of the Ionian Islands, he called on them to agree with him in saying that Sir Henry Ward was fully justified in availing himself of martial law, as the only means of restoring peace and tranquillity in the Ionian Islands.

Mr. BRIGHT was not in the least degree surprised at the speech of the hon. Gentleman the Under Secretary for the Colonies. There seemed to be an *esprit de corps* which induced, and seemed in their minds to justify, gentlemen in office making off-hand defences of any transaction which might occur under the direction of a colonial governor. He had heard him make a statement like it, but more energetic, in defence of Lord Torrington's conduct in the Island of Ceylon; but he was glad to perceive that the experience which the hon. Gentleman derived from that case had somewhat moderated his tone. He (Mr. Bright) considered that the hon. Member for Montrose was perfectly justified in bringing this question before the House; for he could not comprehend what the House of Commons was worth at all, or what they were there for, if they were not to take under their consideration cases of this nature, whether occurring in the united kingdom, or in any other portion of the empire. It was a question of that moment and magnitude that the House of Commons and the Government ought to know the facts; and if they did not know them, they should inquire into them. There was no statement made by his hon. Friend in bringing forward this Motion that was not to be found in the despatches of Sir Henry Ward. He admitted that those despatches might be read in two or three ways. They appeared to contain a frank exposition of the extreme panic under which Sir Henry Ward was acting, and led one to the conclusion irresistibly that he was blundering on in the dark under exceeding fear. In part of the despatch a person was led to believe that the most imminent danger existed, and in the next paragraph it was admitted that the whole thing was grossly exaggerated, and, in point of fact, there was no political insurrection whatever. There was one thing, on opening the papers, which astonished him very much, but the hon. Gentleman the Under Secretary for the Colonies did not refer to it, probably because the hon. Member for Montrose had not mentioned it. He perceived that the first letter from Sir Henry Ward was received at the Colonial Office on the 10th of September, and it was not answered until the 6th of October. Twenty-six days elapsed before the answer was sent, and in that time five other despatches were received from Sir Henry Ward at the Colonial Office. He would like to ask the noble Lord at the head of the Government, in case he should make any observations after what he (Mr. Bright) was about to say, how it happened that the Colonial Secretary had in his possession for twenty-six days a despatch announcing what was called an outbreak in Cephalonia, and yet that he did not, during the whole of that time, make any reply to Sir Henry Ward? He knew very well the answer would be given, that the despatch of Sir Henry Ward contained information of so meagre a character that there was nothing distinctly to be answered—that it was necessary for the Colonial Secretary to learn more of the matter before he could express an opinion upon it; but, in a subsequent despatch, Sir Henry Ward admitted that, in the two first despatches sent to Earl Grey, he had afforded the whole of the information on which he suspended the constitution, and ordered martial law to be proclaimed over certain districts of that island. It appeared to him (Mr. Bright) that the office of Colonial Secretary was ill performed under those circumstances. He was not to place implicit confidence in every person he sent out to govern a colony. When he received a despatch from Sir Henry Ward, it was the duty of the Colonial Secretary to have written to him, and called his attention to the importance of the steps he had taken, and the necessity of being quite certain that the events warranted those steps; and the Government of this country should expect that he would not maintain martial law in the island one moment beyond the continuance of the danger which he supposed had existed, and which had made him proclaim martial law. If Earl Grey had written such a despatch—he did not mean in the way of rebuke, but that kind of friendly hint which a Secretary of State should send to a governor abroad—the consequence, in all probability, would be this, that when Sir Henry Ward received an answer of that kind he would look over the course he had taken, and see if there was a great necessity to continue martial law so long as he had continued it. His hon. Friend the Member for Montrose had stated several details of a most extraordinary character; and he (Mr. Bright) would not ask any man of ordinary capacity to do more than read the despatch of Sir Henry Ward, and how was it possible he could say that the course taken by Sir Henry Ward was justified by the circumstances, and was not discreditable to some extent—he did not wish to use that word, and would say the course taken by him was one which they must deplore he did take? It appeared that, about eight o'clock in the morning, Sir Henry Ward heard that an outbreak had taken place, but did not hear the particulars—whether 10, or 500, or 5,000 men were engaged in it. He sent at once a message to an obedient senate, and proclaimed martial law, and he allowed it to remain in force six weeks, though he admitted that in three days after he proclaimed it there was not a shadow of reason that it should continue. The only reason alleged was, that two villains were at large and not captured. He put an embargo on the trade of the island, thereby paralysing it, in order that those men should not escape. The measures he took with the view of capturing those men had subjected the whole population of the island to the rigours arising from the suspension of the constitution. He begged to call attention to the way in which he had proclaimed martial law. The proclamation said—

> "Martial law is proclaimed throughout the districts of the island of Cephalonia, to which the late insurrectionary movement, marked by acts of such atrocity, extended, and to such other districts as it may have spread to."

He said martial law was proclaimed "throughout those districts," not mentioning the districts, or pointing out the districts to which it extended; for when he proclaimed martial law he had not a particle of information about it. What could be more vague or indefinite? He would ask any lawyer in the House whether in any country where constitutional government was preserved, martial law had been proclaimed in phraseology like that? It showed how vague were his ideas in taking this very severe step in regard to the circumstances that were occurring. To show how unfortunate were the proceedings, the officer employed to carry out the law could not speak Greek. He could not speak the language of the people amongst whom he was going to introduce the rigours of martial law. It appeared that the number of insurgents was not more than 300 or 400. That they were not all armed, and that most of them were armed with knives. Of course a knife was a weapon with which a man might commit murder; but it would appear that it was not that sort of movement for which it was necessary to proclaim martial law. It was said, that the hon. Member for Montrose expressed sympathy for those by whom crimes had been committed, and that he had no sympathy for the condition of the Governor. He (Mr. Bright) had every sympathy for the Governor; he was in a dreadful fright—he knew not what he was doing. He had great sympathy—as he had for every man in a panic. He had no sympathy for the two criminals, and he thought if they were caught, they deserved their fate. He had read the papers over with great attention; and he must say there could not be a more ridiculous or childish case for the proclamation of martial law, and maintaining it for six weeks; for calling into action ships of war and blockading the island, and destroying everything like security in ordinary transactions. Sir Henry Ward himself admitted that it arose out of what he called a local feud; and yet for a local riot martial law was proclaimed over the whole island, and remained in force for six weeks. To show how very insignificant the cause was, he stated himself that the movement broke out on the 28th of August, and in September, in three days, the people, he says, fell back dispirited, seeing they were engaged in a hopeless struggle. All the followers of the leaders fell away, and there was no proof, in fact, that more than forty-five persons were engaged in the movement—in another account the number was stated to be forty-two—and for that martial law was proclaimed. The hon. Gentleman the Under Secretary for the Colonies had failed to justify that proceeding. He denounced martial law, and they all denounced it. He spoke highly of Sir Henry Ward, and he (Mr. Bright) had always thought highly of him. His only fault was, that he was under a strong impulse. There was alarm first, and what succeeded to alarm generally—unnecessary cruelty. That was all he had to bring against him on this occasion; but he confessed the exaggerations in the papers were of the most ludicrous kind. He heard, he said, that large masses of men were passing over the Black Mountain; but afterwards he said it was a gross exaggeration. There were found only to be forty-five men, who were reconnoitred by an officer, and if he had had assistance he could have captured them. The hon. Gentleman the Under Secretary for the Colonies said that a discussion of this nature was calculated to create ill-will. In the same way he was against a discussion on Ceylon, and against inquiry; but the hon. Member for Montrose had for two years pursued that inquiry, and at last developed such a state of things connected with the government of that island (cruelty amongst all the Government officers of the island) as had never before been exhibited in the House of Commons. [Mr. HAWES: That is utterly unfounded.] The hon. Gentleman said it was utterly unfounded; but he was one of the individuals who had endeavoured to suppress the evidence. The hon. Gentleman said they would stir up ill-will in the island by bringing the case before the House of Commons; but nothing could tend more to render the people of the Ionian Islands satisfied with what was called the protectorate of England, than to perceive that the House of Commons took an interest in their affairs, and that when it was thought they were aggrieved, their case was brought before the House. His hon. Friend the Member for Montrose asked that a Commission should proceed to the Ionian Islands, to ascertain the real truth of the case, and submit it to Parliament. His (Mr. Bright's) opinion was, that when events of so disastrous and deplorable a nature occurred as had taken place in Cephalonia, it was the duty of the Government (unless they had the clearest and most uncontrovertible facts before them) to make an inquiry for the satisfaction of the people of this country and of the colony. It was no use to attempt to screen the conduct of their officers abroad. If they did their duty, it was clear their character would be saved by inquiry, and in such case no person would be more ready to praise them; but if it appeared that they did not act wisely, and had violated the constitution, it was necessary for the contentment of the colonists, and the pacification of England, that an inquiry should be made, and their conduct exposed.

LORD J. RUSSELL said, that the speech which the House had just heard from the hon. Member for Manchester called for a few remarks. That speech appeared to him to proceed, throughout, upon the assumption that Sir Henry Ward was grievously to blame for having suppressed the outrages which were being committed in the island of Cephalonia. What were the facts? A horrible murder had been committed: surely that was to be punished? A house, in which a family resided, was deliberately and wilfully set on fire; the house was surrounded by armed men, lives were lost; various bodies of insurgents appeared in arms in different parts of the country; and when those insurgents endangered the peace of the Ionian Islands, it was in the House of Commons treated as presumption that the Lord High Commissioner should take measures for preserving to Her Majesty the authority which she was entitled to support in those islands. What happened? The insurrection was quelled, the insurgents were pursued with success, and it was treated in that House as presumption in the Lord High Commissioner to have taken measures for its suppression. When they heard of peace and harmony having been restored, they found the hon. Member for Manchester getting up in his place and accusing Sir Henry Ward of being under the influence of panic, and implying that that panic amounted to cowardice. ["No, no!"] By implication he imputed cowardice, adding that the panic by which Sir Henry Ward had been affected, was followed by its natural consequence—extreme cruelty. Now, what were the proofs of this panic and of this cruelty? He sought for them in vain. Sir Henry Ward heard of an insurrection in Cephalonia, and he at once proceeded to the spot; he exposed himself personally to danger. Without incurring any blame whatever, he might have remained quietly at Corfu. He would ask them, was Sir Henry Ward's thus throwing himself into the midst of the danger a proof that he was struck by the panic which the hon. Member for Manchester supposed him to be suffering from? Upon that occasion Sir Henry Ward felt as men of sense and spirit usually do feel in such emergencies; he felt that that which begun with one murder might thereafter lead to a great sacrifice of life and property if measures for its immediate suppression were not instantly adopted and carried out. In pursuance of that principle, he endeavoured to put down the insurrection; and he trusted that no one who looked at the papers would say that those were any fancied dangers. Sir Henry Ward was himself in danger of being shot; and he rather apprehended that it was not the part of the Secretary of State for the Colonies in this country to censure a Governor or High Commissioner for putting down an insurrection, or for punishing murder. Was the Secretary for the Colonies to write him a despatch, saying, "What is the meaning of all this? You have been suppressing rebellion; what are you about? you pursue and punish great criminals." That was the sort of language which the hon. Member for Manchester seemed to think should be held; that was the sort of conduct for which he appeared to imagine that the head of the Colonial Office ought to administer a severe censure to the High Commissioner of the Ionian Islands. The hon. Member maintained that there had been great cruelty; but he was obliged to admit that those who were punished were the parties who were engaged in the insurrection. The hon. Member behind him contended that, at the most, the insurgents did not amount to much more than forty men, and that Her Majesty's troops were never opposed. Now, what was the evidence of Major King, an officer who was on the spot? Why, Major King states—

> "Finally, in reply to the sixth assertion, namely, that Her Majesty's troops were never fired on or opposed, I beg permission briefly to state what occurred on the afternoon of the 31st of August last, on the disembarkation of my detachment at Catoleo, and march up to the village of Scala. On arriving off Catoleo, in the Ionian steamer, on the above afternoon, we saw the hills in that neighbourhood occupied by considerable parties of the country people, all in arms, and in the direction of Marcopulo, one body, consisting of some hundreds, with a banner, was assembled. Two or three shots from the steamer seemed to deter them from venturing into the low ground at Catoleo, but large numbers were seen taking the line of hills in the direction of Scala. By four o'clock the detachment had disembarked, and commenced the march up to Scala, the advance led by Captain Boyd. He had proceeded little more than half a mile when a shot was fired (apparently directed at him) from the high and broken ground on the left. This appeared to be the signal for a general attack on the troops, as it was immediately followed by continuous discharges from behind the rocks, banks, and olive groves scattered along the heights on our left flank. The left of the advanced guard was consequently reinforced, and a strong support placed in rear of it, the skirmishers at the same time inclining to the left, in order to gain the high ground and turn the right flank of the insurgents. This movement gradually forced them back, and evidently disconcerted their preparations, as they seemed to be extended, under cover, along the heights, expecting the troops either to make a flank march under them, or attack them in parallel order. Whenever the ground, however, presented extraordinary difficulties in their favour, they still held it with some determination, and especially at one point directly under the Scala, where a very deep and narrow gully intervened between the troops and the hill on which that village is situated. The greatest part of the line was obliged to cross this gully; and such was the fire and opposition offered by the insurgents, who were behind walls, and in a thick olive grove on the steep ascent up to the village, that whilst the skirmishers were descending into and climbing up the further side of the gully, the supports on the opposite side were obliged to keep up a brisk fire over their heads, in order to keep under that of their opponents."

Were these knives—had the people who formed this insurrectionary movement no other arms than knives? The facts, as stated by Major King, were those which he had detailed; and further, he stated that wherever the ground permitted it the troops were fired on. Wherever they could be got into a narrow pass they were exposed to the violence of the insurgents, who frequently maintained against them a brisk fire; and, if further proof were required, he might cite the statements of other officers to the same effect: and yet, in the face of all this evidence, they were told that there had been no outbreak. Again, they were told that the measures taken by the Lord High Commissioner had interrupted the commerce of the Ionian Islands. But what were the opinions of those most interested in commercial matters—the merchants themselves? They were perfectly satisfied with what had been done by Sir Henry Ward. It might be all very well to talk of constitutional rights and liberties in the Ionian Islands, but those places were not like England and Scotland; and it was obvious that the principles of constitutional government could not be applied to those islands in all cases, as they might be in Great Britain; and then, as to the persons who had been punished, they were well known to have been engaged in those disturbances, and well known to be the greatest miscreants in existence. They had before that time been engaged in outrage, as was fully shown in the papers now in the hands of Members; and, looking at the whole circumstances of the case, if he could blame Sir Henry Ward for anything, it might perhaps be for the haste with which he had granted an amnesty. It was true that the Lord High Commissioner had proclaimed martial law—it was true that that state of things was allowed to continue for six weeks; but before the end of October the amnesty was issued. And he now came to the conclusion, which he did not see how it was possible to avoid coming to, that the policy of Sir Henry Ward was not to be blamed. The accounts before the House left this impression on his mind, that much bloodshed had been prevented and many lives saved by the decision which Sir Henry Ward manifested; and it was a matter almost certain, that if he had allowed the meditated attack to be carried into effect, disorder would have spread over the whole territory under his government; and he would have caused much more loss of life if he had shown less decision and energy. As to the general government of the Ionian Islands, the present Lord High Commissioner was worthily following in the footsteps of Lord Seaton. A large amount of freedom had been given to the people of those islands, liberal institutions had been conferred on them, and he was sorry to say that their representative body had not shown a very just appreciation of the advantages which they possessed. He was quite ready to admit that in the year 1839 he had expressed an opinion favourable to the establishment of free institutions, and of a free press in those islands; and he was sorry to see that, when they obtained those privileges, they found nothing better to do than forwarding an address to the Lord High Commissioner, containing a most violent attack upon him. Regard being had, then, to the whole of those occurrences, and upon the grounds which he had stated, he could not help opposing the Motion of the hon. Member for Montrose, that a Commission should be issued to inquire into the conduct of Sir Henry Ward—conduct which appeared to him fully to deserve the approbation of the House.

Lord D. STUART denied that the Members of that House who were disposed to support the Motion did in any respect sympathise with those who in the Ionian Islands were guilty of crime and outrage. It was said that the proclamation of martial law had become necessary in the Ionian Islands. Now, that was what he wanted to see proved. He would not go into the details of this question, but there was one point which affected the character both of Sir Henry Ward and of the Government, upon which some explanation was necessary. He (Lord D. Stuart) had supported Sir Henry Ward in some of the Motions he made when he was one of the Liberal representatives of the people, and he had learned with pain and sorrow of things done by him in his government which it was impossible to justify. He was informed that a proclamation had been issued by the Governor of the Ionian Islands during these troubles, in which he offered a reward for certain criminals to be brought to him dead or alive. Now, was it true or false that Sir Henry Ward had made such a proclamation? If it were not true, the Government would rejoice at having the opportunity of contradicting a statement so injurious to the Lord High Commissioner. But if it were true, he (Lord D. Stuart) stood there as a Member of Parliament to do his duty by recording his detestation of such an act. What! was a British Governor—the representative of the Queen of England—to have recourse to measures such as this? By such a proclamation, Sir Henry Ward had merited the epithet of "Dead-or-alive Ward," which he had heard applied to him. Such a proclamation was in direct violation of the principle of British law, that a man was to be considered innocent until he had been proved to be guilty. It was, in fact, prejudging the case, and, by declaring these persons to be guilty, to cause them to be put to death without any trial at all. Such a proclamation was more worthy of that detestable Government that ruled in Austria—of the policy of Metternich or the conduct of Haynau—than of the British Government, or of a man who had been formerly considered as one of the most distinguished Liberals in that House. He blushed for the commission of such an act. He said—Shame to the Governor who had issued such a proclamation, and shame to the Government at home that had not passed any reprehension upon the act. He should be told that the proclamation had not been acted upon. But that would not do. The Governor had issued it, and it was not his fault if persons had not been put to death under it without any trial at all. The Government might be able to resist the Motion; but unless a full and searching inquiry took place, the honour and credit of Sir Henry Ward, as well as that of the Government, would not be vindicated.

Colonel DUNNE, having been many years in these islands, attached to the staff of the late Governor, wished to remind the House that the Ionian Islands were not a colony, but were living under their own laws, and under a constitution very different from ours. It was under these laws of the island that Sir Henry Ward proclaimed martial law. He had submitted his acts to the Senate, and they were the only body he was responsible to. If the Senate of Corfu had complained of him, then Parliament might have taken cognisance of his conduct. But his conduct had not only been approved by the Senate of Corfu, but also by the local bodies and by the inhabitants of the islands generally. It was all very well to say that 900 troops were surely able to put down 400 insurgents; but those who spoke thus must be ignorant of the nature of the country, because the rocks, passes, and steep mountains, rendered it impossible for a body of men to act. From his knowledge of the country he was satisfied that 900 men, or a much larger body, could not put down an insurrection if the whole people chose to rise. Again, it might not be generally recollected or known that a peculiarity of the Venetian law, which prevailed in these islands, would not admit any of the persons who were attacked to give evidence; so that a recourse to martial law was a matter of absolute necessity. It should also be recollected that there was a previous insurrection only the year before, and Vlacco was one of the leaders in both. What right had the House to send a commission to the Ionian Islands? Could they summon a single witness before them and compel his attendance? Then, the members of the commission must be able to speak modern Greek, which was a very different language from that which hon. Members learned at Oxford. Were they, then, to learn Greek before they went out? They must also learn the law and custom of the country relative to the division and tenure of land, which was at the bottom of the whole affair; and then they must get the authority of the Senate before they could examine these Greek witnesses. Unless these circumstances could be insured, no useful result could attend the commission. He thought Sir Henry Ward was wrong in going to Cephalonia after he had proclaimed martial law. It would have been much better if, instead of mixing up the civil and military authority in his own person, he had left the matter to the troops, and made the military commandant responsible. With regard to the condition of the population, he (Colonel Dunne) did not know a more happy or more wealthy peasantry. The taxes were light, and they were for the most part in a very comforable condition. What, then, were their grievances? They were a small State, and there was no vent or occupation for the better classes, who had only two professions which they could follow: they must become either doctors or advocates. The advance made by these islands in wealth and civilisation since he left the country was most remarkable. It was said there was a party in the islands desirous of annexation with Greece. He believed we should not suffer any inconvenience from giving up every island except Corfu. But the people of these islands knew that if they were made over to Greece, instead of having no taxes to pay, they would have to pay to make up the debt due from the kingdom of Greece. He was persuaded that if we offered to hand over the Ionian Islands to Greece, the inhabitants would appeal to us upon the treaty to protect them.

Mr. HINDLEY said, that having been only a few weeks since in the Ionian Islands, he was surprised to hear of the Motion of his hon. Friend, because from all he had heard in Corfu he was convinced it was not supported by public opinion, at least in that island. It was rather hard to call upon that House to judge harshly of the conduct of officials abroad, without knowing all the particular circumstances of the case. He had spoken to persons who were perfectly disinterested on the question, for they had no personal or political relationship with Sir Henry Ward, and he found that they entertained the highest opinion of the Governor in consequence of the manner in which he put down these disturbances. It should not be supposed that these disturbers of the public peace were persons who sought to vindicate the liberties of their country, but they were persons met together for the purpose of pillage, plunder, murder, and every crime of which human nature was capable. He hoped that House would show no sympathy for such persons, but would prove, by rejecting the Motion, that they had regard to the property, safety, and liberty of the inhabitants of the Ionian Islands. Sir Henry Ward had reduced the expenditure of the island 19,000*l*., and reduced his own salary 500*l*. He had acted in such a manner as might be expected from his former conduct in that House. He said not this from political or private friendship, but from a desire to do justice to an absent man.

Lord C. HAMILTON said, that although he was generally opposed to the views maintained by Sir Henry Ward whilst he was a Member of that House, he felt that he would be acting the part of a coward if he did not come forward and state that circumstances had come to his knowledge which seemed to him completely to justify the steps which had been taken. Sir Henry Ward had acted on open manly English principles, and he was only surprised that the attack upon him should have proceeded from those who were the former supporters and admirers of his views and opinions, at least on certain points, in that House. He believed that the hon. Member for Ashton-under-

Line had correctly stated the feelings of the inhabitants of the Ionian Islands regarding the conduct of Sir Henry Ward. The Governor of the Ionian Islands had been subjected to the grossest misrepresentation in connexion with this matter. He had been held up as having gone over with the cruel intention of letting loose upon the people a rude and licentious soldiery, and as having introduced a new system of punishment—that of flogging—he had read most harrowing statements of from 300 to 400 persons having been subjected to the torture of the lash, and of great numbers having died under the infliction. Now, when a man was held up in his absence as capable of being guilty of atrocities like these, it became that House, acting upon a strong sense of justice, to take care that it not only did not sanction, but that it utterly repudiated such charges. In considering the circumstances that had occurred, they must remember that Sir Henry Ward was not administering English laws, and that he found himself fettered by the position in which he stood as a man bound to carry out the laws of the people among whom he was placed. It should be borne in mind that in no single instance had any one been punished as a political offender. The crimes which Sir Henry Ward punished were those which were dealt with as criminal offences in every civilised community in the world; and, unless it could be shown that he had it in his power to put down and punish those crimes, without resorting to the means which he employed, there was not the shadow of a case against him. So little did the inhabitants of the Ionian Islands look upon him as a tyrant, that they had testified in the most public way to the humane and merciful manner in which he had conducted himself throughout the whole of the unfortunate disturbances that had taken place.

Sir De L. EVANS thought, from the long experience they had had of Sir Henry Ward in that House, that they should be very slow in listening to the injurious statements which had been made against him. A good deal of stress had been laid upon the small number of people against whom Sir Henry Ward had to act, and on the circumstance that his troops suffered nothing from their firing; but these afforded no proof that they were not insurgents. A body of 400 insurgents in the mountains were very capable of keeping at bay even 4,000 of the best troops in Europe. Look at the case of the Russian troops in the Circassian mountains, where for twenty years they had been carrying on war, and where only a month ago they suffered a heavy defeat, and lost a great amount of artillery. Take the case also of General Mina in Spain. He commenced with only fifty men, but they in course of time increased to 14,000, and very seriously annoyed a French army of 40,000. A force of 400 insurgents in Cephalonia, therefore, might have become a very serious matter, and Sir Henry Ward was bound to take the strongest possible measures to put them down at once. The greatest mistake that could be committed in insurgent warfare was to delay operations. By neglect a small insurrection might become a terrible war. He could not, on a fair and impartial consideration of the case, vote for the Motion of the hon. Member for Montrose. The whole of the particulars were not before them, and yet the hon. Gentleman prejudged the case. If they were to condemn every governor whose conduct was arraigned in that House, because his troops, when brought into contact with insurgents, had not suffered, the consequence would be that a governor would be apt to allow insurrection to make some head before he ventured to send troops for its suppression.

Colonel THOMPSON would have admitted there was force in what had been urged on the impropriety of attacking an absent man, if unhappily he had not been before them in the shape of his own statement. They had heard him, and they had not heard anybody else; in fact he had it all his own way. There had not been one allegation on the part of the hon. Member for Montrose that was not based solely and entirely on what had been laid before them as the evidence and declaration of the principal agent in these transactions. For instance, some doubt had appeared to be entertained as to whether a certain proclamation contained the words "dead or alive;" they had been mentioned in a way which had led himself to doubt, whether there was not something apocryphal or overstrained about the story. But at page 12 of the printed papers he found the words—"I have offered, on the part of the Government, 1,000 dollars for each of the two leaders, if brought in, living or dead." There, therefore, could be no longer any doubt upon that point. It had further been said that nothing had been done on political grounds; but at page 9 it was written—"I have no hesitation, therefore, at present, in expressing my belief that the political element has greatly preponderated in the disturbance that occurred." But the prisoners were tried for something else, though the political element was stated to "greatly preponderate" in what had occurred. [Mr. HAWES: No one was punished on account of politics.] That was exactly what he meant to note. The prisoners had committed political offences, and they were tried for something else. They were not tried for what they were declared to have committed; which was a pretty strong argument that they were tried for what they had not committed. The hon. Member for Montrose had asked the question—"What is martial law?" He (Colonel Thompson) had been trying for fifty years to find out what it was, and he was unable to answer. He knew there was a law to punish a soldier for making away with his necessaries, or for sleeping on his post or deserting, but where the law was which gave the power of punishing a man who formed no part of the Army, and putting prisoners to death, he was wholly at a loss to understand. Where was that law to be found, by which prisoners were put to death after they were captured? Who had seen it? Where was it to be read? Was it written anywhere? Could anybody point to it? It had often occurred to him to think, in fact he had been haunted with the idea, of what he should do if it fell to his own lot to be asked to take a part in what he was glad to have the opportunity of here denouncing as a sanguinary fraud. And as no man should undertake to say beforehand, how he would deport himself if called to martyrdom, so in this case he would leave the question to be settled when it came. After this, he trusted nobody would be surprised if he supported the Motion of the hon. Member for Montrose.

MR. G. THOMPSON denied that the question before the House implied a vote of censure on Sir Henry Ward. The commission applied for was with a view to inquire into the origin and causes of these events, that the best means might be taken of hereafter avoiding them, and promoting the welfare of the people. He thought great injustice had been done his hon. Friends the Members for Montrose and Manchester by the noble Lord at the head of Her Majesty's Government. That noble Lord had represented them as shameless defenders of murderers and robbers. ["No, no!"] He had noted the noble Lord's words, which were, "The hon. Gentlemen seem to complain because murder was punished and insurrection put down." He asserted that every word uttered by his hon. Friend the Member for Manchester bore a totally opposite sense. Nothing could be more proper in a Member of that House, looking at the condition of those islands, and seeing what they had become since the advent of Sir Henry Ward, than to ask for an explanation; and so far from such a course causing discontent there, he believed it would have a most healing and salutary effect. Everything which had been said to-night impugning the proceedings of Sir Henry Ward had been said in conjunction with an expression of admiration for his previous character, and sorrow that he should have misconceived the course which he should have pursued. Every one must appreciate his past conduct, but that should not prevent them asking an inquiry with regard to the serious matters which had occurred, and which might occur again,

MR. C. ANSTEY said, that it appeared that forty-four persons had been sentenced to death, of whom twenty-one had been executed under the orders of Sir Henry Ward, and that the noble Lord the Member for Tyrone, who had on a former occasion been the defender of Haynau, had ventured to defend the atrocious conduct of the Commissioner of the Ionian Islands.

LORD C. HAMILTON denied that he had ever expressed his approval of the conduct of Marshal Haynau. This was the second time the hon. and learned Gentleman had made the assertion, and the second time that he (Lord C. Hamilton) had given it a distinct denial.

MR. C. ANSTEY would state, without fear of contradiction, that when the atrocities committed by the Austrians in Hungary were represented in that House, the only Member who rose, not to express his indignation at those atrocities, but to be the apologist of them—whether committed by Marshal Haynau, or by any other instrument of Austrian tyranny, he cared not—was the noble Lord. And now what said the noble Lord? He said that the offences for which these persons were put to death were not political offences. In point of form the noble Lord was right; but who could doubt that the original motive of these offenders was political? One very important question remained to be considered—one on which they had no information, owing to the unfortunate silence of Her Majesty's Government—namely, from whom did this insurrection proceed? In what interest did the movement commence? He had reason to believe that the result of an inquiry would be to exculpate Sir Henry Ward altogether from that blame which many hon. Members now attached to him. It was true, at present, judging from such information as Her Majesty's Ministers had thought proper to lay before Parliament, grave suspicions rested upon that high functionary. He wished to relieve Sir Henry Ward from that suspicion, but that could only be done by the institution of a full and searching inquiry, and therefore he should support the Resolution.

The House divided:—Ayes 13; Noes 84: Majority 71.

List of the Ayes.

Anstey, T. C.
Arkwright, G.
Cobden, R.
Greene, J.
Hall, Sir B.
Lushington, C.
Mowatt, F.
Stuart, Lord D.
Thompson, Col.
Thompson, G.
Wakley, T.
Walmsley, Sir J.
Williams, W.

TELLERS.

Hume, J.
Bright, J.

List of the Noes.

Anson, hon. Col.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F.T.
Bellew, R. M.
Bernal, R.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Broadley, H.
Brotherton, J.
Buller, Sir J. Y.
Bunbury, E. H.
Carter, J. B.
Chaplin, W. J.
Chatterton, Col.
Christy, S.
Clay, Sir W.
Cockburn, A. J. E.
Cowper, hon. W. F.
Craig, Sir W. G.
Dick, Q.
Divett, E.
Dodd, G.
Duke, Sir J.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, Sir De L.
FitzPatrick, rt.hn.J.W.
Forster, M.
Fox, S. W. L.
Frewen, C. H.
Grey, rt. hon. Sir G.
Gwyn, H.
Halsey, T. P.
Hamilton, Lord C.
Harris, R.
Hatchell, J.
Hawes, B.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Hobhouse, T. B.
Howard, Lord E.
Howard, Sir R.
Hutchins, E. J.
Labouchere, rt. hon. H.
Lewis, G. C.
Locke, J.
Martin, J.
Martin, C. W.
Matheson, Col.
Maule, rt. hon. F.
Mitchell, T. A.
Morris, D.
Mullings, J. R.
Newry & Morne, Visct.
O'Connell, M. J.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Rich, H.
Roche, E. B.
Romilly, Sir J.
Russell, Lord J.
Sandars, G.
Seymour, Lord
Sheil, rt. hon. R. L.
Somerville,rt.hn.SirW.
Spooner, R.
Stanford, J. F.
Stanley, hon. W. O.
Stuart, H.
Thornely, T.
Turner, G. J.
Vyse, R. H. R. H.
Willcox, B. M.
Willyams, H.
Willoughby, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.

TELLERS.

Hayter, W. G.
Hill, Lord M.

RAILWAYS ABANDONMENT BILL.

Order read, for Consideration of Lords' Reasons for disagreeing to one of the Amendments; Motion made, and Question proposed, "That the said Reasons be now read."

Mr. CHAPLIN said, that this particular Amendment had been carried in the House of Commons by a majority of seventy-seven to fifteen, and they ought to have very weighty reasons urged before they consented to reverse their former deliberate judgment. It would be most preposterous that a landowner should be permitted to exact the same sum for lands which were not at all entered upon, that it had been proposed to give for those lands, on the supposition that the lands would be occupied for the purposes of a railway. Fair compensation was all that landowners could justly demand. He moved as an Amendment that the House do disagree to the Lords' Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question put, "That the word 'now' stand part of the Question."

Mr. LOCKE supported the Amendment. The Bill, as carried to the House of Lords, gave to landowners adequate compensation in respect of any lands which they might have agreed to sell to a railway company, which lands were not afterwards required in consequence of the railway being abandoned. The fact was that the Bill was merely brought in for the purpose of perpetuating the Railway Commission, by giving it an appearance of being employed. If this proviso were retained, not a railway company in the kingdom would avail itself of the Bill.

The ATTORNEY GENERAL had himself opposed the proviso as most objectionable; but the question was whether the House would have the Bill with the proviso in it, or no Bill at all. If they were to put an end to the Railway Commission to-morrow, this measure would still be perfectly efficient, because the functions now performed by the Railway Commissioners would merely be transferred to the Board of Trade.

Mr. MULLINGS cordially concurred

with the hon. Gentleman who proposed the Amendment, assuming that his object was to get rid of the Bill. He considered the provisions of the measure harsh and unjust, and if the Bill was rejected no one would be injured, for the parties would then be in precisely the same situation as if no Bill had been proposed.

Mr. W. P. WOOD said, the proviso to which such strong objection was entertained, did not enforce anything, but merely prevented vested rights and interests from being defeated. He cared nothing for the Bill one way or the other; but if it was to pass, he wished that it would be accompanied with this proviso.

Mr. LABOUCHERE said, when the Bill came down from the other House, some leading persons connected with railways complained that there was no reason why any description of property should be exempt from liabilities to which all other kinds were liable. There was a reasonable ground of objection in this respect; but the question was whether they should take the Bill with this proviso added to it, or reject it altogether. His own opinion was, that they should take it as it was, rather than incur the risk of its loss. The House had rejected a great many Bills for abandoning specific lines of railway, which it was proposed to carry out, because this Bill was before Parliament; therefore he thought it might be attended with some injustice not to pass it. Several Gentlemen connected with railways in that House had said that they would rather not have the Bill than assent to this proviso; but he believed that there were several railway companies who would take advantage of this Bill as it stood. It should be remembered the adoption of this Bill by a railway company was altogether optional. It was supposed that the proviso might prejudice the case of railway companies in courts of justice with regard to the contracts in question: he had consulted the hon. and learned Attorney General, and had his clear opinion that this could not be so. He was, therefore, for assenting to the Lords' Amendment.

Mr. MOWATT could not help asking, after what they had heard from the representatives of the great railway interest in that House, that with this proviso this Bill would be worse than useless, why it should be pressed forward by the Government?

Mr. TURNER was satisfied that it was a mistake to suppose that this proviso would be prejudicial to railway companies in courts of justice. It merely declared that railway companies should be able to avoid the liabilities they had incurred in making agreements for the purchase of land. He hoped the Bill would not pass without the proviso.

Mr. SCULLY should much regret the loss of the Bill in consequence of the insertion of the proviso. He felt assured, if it was passed in its present form, it would be productive of much good, both in this country and Ireland. The amount of capital locked up in 59 lines was 2,792,000*l.*, of which the Railway Commissioners reported that 1,000,000*l.* would never be applied. On these grounds he should vote for the Bill with the proviso.

The House divided:—Ayes 32; Noes 15: Majority 17.

Main Question put, and agreed to.

Lords' Reasons considered.

Resolved—"That this House doth not insist on the Amendment to which The Lords have disagreed."

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Saturday, August 10, 1850.

Minutes.] A Conference.—General Board of Health (No. 2) Bill; Small Tenements Rating Bill.

Public Bills.—1ª Friendly Societies; Law Fund Duties (Ireland); Transfer of Improvement Loans (Ireland); Medical Charities (Ireland); Spitalfields and Shoreditch New Street; General Board of Health (No. 3).

2ª Customs; Stamp Duties (No. 2); Assessed Taxes Composition; Assizes (Ireland).

Reported.—National Gallery (Edinburgh); Marlborough House; Duke of Cambridge's Annuity; Consolidated Fund Appropriation; Police Superannuation Fund; Decrees of Court of Chancery as to Real Estate vested in Married Women.

3ª Turnpike Acts Continuance, &c. (No. 2); Fisheries; Mercantile Marine (No. 2); Grand Jury Cess (Ireland); Registrar of Judgments Office (Ireland); Municipal Corporations (Ireland) (No. 2).

Their Lordships met, and some Bills were forwarded, without debate.

House adjourned to Monday next.

HOUSE OF COMMONS,

Saturday, August 10, 1850.

Minutes.] Public Bills.—1ª Church Building Acts Amendment.

2ª Savings Banks Act (Ireland) Continuance.

Reported.—Savings Banks Act (Ireland) Continuance.

3ª Spitalfields and Shoreditch New Street; Inspection of Coal Mines; Transfer of Improvement Loans (Ireland); General Board of Health (No. 3); Law Fund Duties (Ireland); Friendly Societies; Savings Banks Act (Ireland) Continuance.

INSPECTION OF COAL MINES BILL.

Order for Third Reading, read.

Mr. FORSTER complained that this Bill had been galloped through its previous stages in a most unseemly way, which precluded all discussion upon it. He should not oppose the Bill; but it was very necessary to caution the public and the workmen in collieries against relying upon it as a substitute for that caution, prudence, and personal vigilance which alone could prevent those fatal accidents. If, relying on the Bill, they relaxed that care which alone could secure them against danger, the most fearful results might follow. In the case of the large collieries, like that with which he was himself connected, the Bill must be a dead letter, because they had as competent inspectors always on the spot as could be found by the Government to act under the Bill. In their workings they employed 1,500 men and boys, and for the last fifteen years their casualties had not exceeded on an average more than one man a year. The same caution and the same system prevailed in the other large collieries belonging to the Earl of Durham, the Marquess of Londonderry, and others. Then, with respect to the smaller collieries, he very much doubted whether the Bill would not do more harm than good in their case, by removing a portion of the responsibility from the owners to the Government inspectors. This sort of legislative interference with trade was most dangerous, particularly in a case of this kind, where you attempt to supply individual care and prudence by Act of Parliament, which is impossible. But it was most important that it should go forth to the workmen that there was nothing in this Act to protect them against the consequences of their own reckless imprudence, and that any reliance upon it for that purpose would be most fatal to their own security.

Read 3°; Amendments made; Bill passed, with Amendments.

COPYRIGHT OF DESIGNS BILL—EXHIBITION OF 1851.

Order for Committee read.

Colonel SIBTHORP said, that in consequence of the unsatisfactory replies given by the right hon. Gentleman the Chancellor of the Exchequer, and the First Minister of the Crown, to questions respecting the expenditure of public money for the Exhibition of 1851, he begged to repeat the questions he had already put on this subject. He had a right to call on the Government to state whether they intended to propose a grant of public money for this purpose or not, and he considered it most unfair and unparliamentary in Ministers to refuse a distinct answer. He thought it would be a gross abuse of the public funds to give one sixpence for such a purpose. Let them say at once, in plain terms, whether they meant to give anything or not. The articles to be imported for this Exhibition were to be admitted without duty, and though it was pretended that when they were taken out and sold the duty was to be paid, he ventured to say they would be allowed to be sold without any duty at all. Where there was a will there was a way. There was such a thing as a Government seal, and smuggling might be permitted. He should feel bound to move a resolution "that it is expedient not to advance or expend any sums of public money for the purpose of carrying into operation the works of the proposed Exhibition of 1851," and he should divide the House upon it, unless he had a distinct declaration from Ministers that they would not make any proposition to the effect he had stated.

Mr. SPEAKER informed the hon. and gallant Member that the House could not entertain his Amendment, as the Bill before the House was for amending the Act relating to the copyright of designs, and there was nothing in the preamble which concerned the Exhibition of 1851.

Colonel SIBTHORP said, he had had his say, and did not care.

House in Committee; the several clauses agreed to.

House resumed.

Bill reported, with Amendments; as amended, to be considered on Monday.

Mr. LABOUCHERE said, that he should move the third reading, as well as the report, on Monday.

Colonel SIBTHORP objected to this as a most unusual course.

Mr. SPOONER thought it would be much more satisfactory to the public, if they had a distinct statement from the noble Lord at the head of the Government that no public money would be required for the purposes of this Exhibition.

Sir H. WILLOUGHBY begged to ask the Chancellor of the Exchequer if he had any objection to give an assurance to this effect?

The CHANCELLOR of the EXCHEQUER said, on this as on other occasions on which the subject had been broached, he must refuse to give any such pledge or promise as was demanded of him, and he hoped the hon. Member would not press his request. He had only to say that means had been taken for providing for the whole expense of this Exhibition. His noble Friend and himself had said so, he would not say how often in the course of this Session, but certainly very often, and nothing had occurred to make any changes in their views and intentions on the matter necessary.

The House adjourned at half-after Two o'clock till Monday next.

HOUSE OF LORDS,

Monday, August 12, 1850.

MINUTES.] PUBLIC BILLS.—1ª Crime and Outrage Act (Ireland) Continuance; London Bridge Approaches; Savings Banks (Ireland).

2ª Spitalfields and Shoreditch New Street; General Board of Health (No. 3); Medical Charities (Ireland); Friendly Societies; Transfer of Improvement Loans (Ireland); Law Fund Duties (Ireland).

Reported.—Westminster Temporary Bridge; Portland Harbour and Breakwater; Customs; Assessed Taxes Composition; Stamp Duties (No. 2); Assizes (Ireland).

3ª National Gallery (Edinburgh); Duke of Cambridge's Annuity; Marlborough House; Summary Jurisdiction (Ireland); Poor Relief; Police Superannuation Fund.

PORTLAND HARBOUR AND BREAKWATER BILL.

The EARL of CARLISLE moved that the House do now resolve itself into Committee on this Bill.

LORD REDESDALE said, he objected to the Bill, because it was opposed by the great majority of the inhabitants of the island, and because it would deprive them of their rights and property in a manner quite unprecedented. He should move that the Bill be referred to a Select Committee.

The EARL of CARLISLE defended the Bill.

On Question that the words proposed to be left out stand part of the Motion,

Their Lordships divided:—Contents 18; Not-Content 6: Majority 12.

List of the CONTENTS.

Lord Chancellor

DUKES.

Grafton
Leinster
Wellington

MARQUESSES.

Clanricarde
Lansdowne

EARLS.

Carlisle
Granville
Grey
Leitrim
Minto
Strafford

BISHOP.

Norwich

BARONS.

Beaumont
Campbell
Eddisbury
Foley
Sudeley

Resolved in the *Affirmative.* House in Committee accordingly.

Bill reported without amendment.

MEDICAL CHARITIES (IRELAND) BILL.

The EARL of LUCAN said, this Bill stood for a second reading to-night, and, as it only came up from the House of Commons on Saturday, he wished to ask the noble Marquess (the Marquess of Clanricarde) whether he intended to proceed with it at this late period of the Session? The measure was one of considerable importance, and he would suggest its postponement until next Session, as it would be impossible for their Lordships to consider it before the rising of the House.

Several Noble LORDS also concurred in the expediency of postponing the measure.

The MARQUESS of CLANRICARDE could not press the Bill against the almost unanimous request of their Lordships. He was perfectly ready to yield to the desire which had been expressed, at the same time throwing the responsibility of postponing the Bill on the noble Lords who had called for it. When consenting that the Bill should not be proceeded with so as to pass this Session, he hoped their Lordships would not object to its being read a second time as a matter of form. The principle of the measure he believed to be good, namely, to combine local management with central supervision. By combining and consolidating the medical charities of Ireland, a very large saving might be effected; and the Bill on their Lordships' table was calculated to give satisfaction to the people of Ireland, to the proprietors of different charities, and, he could not avoid adding, to the medical profession of that country. Several petitions had been presented in favour of the Bill, and not one, as far as he was aware, against it. But he agreed with the noble Earl that it could not be properly urged forward by the Government at that stage of the Session.

The EARL of LUCAN said, there could be no objection to giving the Bill a second reading, provided it went no further. It was a measure that had been very imperfectly considered in the House of Commons; and if there was one Bill more than another which deserved to be carefully considered, it was that Bill.

LORD REDESDALE threw the responsibility of postponing the Bill upon the

Government, who had impeded and delayed its progress in the House of Commons.

Bill read 2ª.

SUMMARY JURISDICTION (IRELAND) BILL.

Bill read 3ª (according to Order), with the Amendments.

The Earl of LUCAN said, that some legislation was necessary with respect to the practice which had become so prevalent in Ireland of carrying away crops. He now intended to propose an additional clause intended to repress that crime. But, first, he would take the opportunity of denying a report which had been circulated, that he was the author of the Landlord and Tenant Bill. He had had nothing to do with it, and was the only person on that side of the House who had objected to its provisions. He could not believe that if Her Majesty's Government were really in earnest in wishing to put a check to the system of depredation which prevailed in Ireland, they would be disposed to make any objection to the reasonable proposition he was going to make. He was at a loss to know what defence the Government could give of their conduct, in permitting the state of turbulence and violence, and the loss of life which prevailed last year, in consequence of large bodies of persons assembling to assist tenants in carrying off their crops, to continue without making any attempt to put a stop to it. It had been proposed in the House of Commons, during the debate upon that Bill, to assimilate the law of England and Ireland on the subject of landlord and tenant; and his proposition was, to insert a clause in the Bill giving the Irish proprietor the same protection which the English proprietor enjoyed. The noble Earl then read the clause, which was to the following effect:—

> "And be it enacted, that if any tenant, lessee, or occupier of land, or any other person, shall knowingly and fraudulently take or carry away any goods or chattels from his land, in order to prevent any payment of rent, it shall and may be lawful for any landlord, lessor, or owner of the land, to exhibit a complaint against such tenant, lessee, or other person, before two justices of the peace, who may examine, convict, and in a summary way determine the same."

The Marquess of CLANRICARDE could not consent to the insertion of the clause proposed by the noble Earl, though he would not then enter into an argument on the subject. The observation of the noble Earl referred to but part of a very great question, and it was impossible for Parliament to legislate wholly on one side of that question. It was one which should not be taken up piecemeal; and while care should be taken for one party, the interests, and, he might say, the rights of the other, should not be neglected. It would be necessary both for landlords and tenants that this subject should be considered next Session; and a most difficult one it would be found to be.

The Earl of GLENGALL said, the clause now proposed contained a summary of the law in England with regard to fraudulent tenants; and the same law had existed in Ireland until that most absurd of reports, the Devon Report, was issued, which recommended its abolition. The Commissioners had disagreed respecting that report; but, seeing that they must do something, they at last settled among themselves that the nostrums of each were to be agreed to. The settlement reminded him of the plan of putting a parcel of Motions into a hat, and adopting them according as they were drawn out. Now, the fact at present in Ireland was, that many of the tenants, with the view of evading the payment of rent, were removing their crops from one county into another. The question might be called a landlord and tenant one; but, in his opinion, it would be found a poor-rate question, a county-cess question, and a question greatly affecting the petty creditors of the fraudulent farmers. Was this state of things to be permitted to continue until next February or March, and was Ireland to be kept quiet by allowing every man to rob his neighbour? He regretted to find that the tenant-right meetings now being held in Dublin were attended by many of the Presbyterian clergy, as well as by large numbers of Roman Catholic priests; and he concluded by deprecating the strong language which had been used in the House of Commons in the course of the late debates against the Irish landlords.

Lord REDESDALE approved of the clause, though he considered it might endanger the safety of the Bill; and therefore he hoped his noble Friend would withdraw it. Still, he was so sensible of the merit of the principle involved in the clause, that if it went to a division he must support it.

The Earl of LUCAN said, he should certainly divide their Lordships upon it, as he could not consent to relieve Her Majesty's Government from the responsibility which attached to them, arising out of the present state of things in Ireland.

Lord MONTEAGLE said, that the rejection of the clause at present might throw difficulties in the way of a just consideration of the whole case next Session. Still, the allusion of the noble Marquess with respect to piecemeal legislation came in the wrong place; because if they waited for a general system of legislation on the subject it would never come at all. He hoped the noble Earl would not press the clause to a division.

The Earl of LUCAN said, the principle upon which the House of Commons had acted was the principle of communism, namely, to remove all protection from property. [Earl Grey: No, no!] He was not surprised at the interruption of the noble Earl, as his relative had opposed a similar proposal in the Commons. He wondered that he had sat silent so long.

Earl GREY thought it perfectly clear that whatever might be done in another Session, the introduction of the clause now would only cause the loss of the Bill, upon which they were all agreed.

On Question, that the Clause stand part of the Bill,

Their Lordships divided:—Content 6; Non-Content 22: Majority 16.

List of the Not Contents.

Lord Chancellor

DUKES.

Grafton

Leinster

MARQUESSES.

Clanricarde

Donegal

Lansdowne

EARLS.

Carlisle

Grey

Granville

Fingall

Leitrim

Minto

St. Germans

BISHOPS.

Chichester

Norwich

BARONS.

Beaumont

Campbell

De Freyne

Dufferin

Eddisbury

Elphinstone

Foley

Clause negatived.

The Earl of LUCAN said, that he had another Amendment, and he could not allow the Bill to pass without giving their Lordships an opportunity of considering it. The noble Earl, adverting to the defective state of the law, and the evils that existed, the ejectments and the pulling down of houses, said, it could not be denied that such a system unfortunately prevailed, but it prevailed contrary to the wishes of the proprietors. The alteration he proposed was this: By the 31st clause jurisdiction was given to the justices over all houses and parts of houses, provided those houses were situated in any city, town, or village. Now, if it were proper to give this power over houses situated in any city, town, or village, why should it not be extended to houses in every part of the country? He could see no reason; and therefore he proposed to leave out the words "situated in any city, town, or village," the effect of which would be to extend the jurisdiction to houses all over the country. To a certain extent, this would assimilate the law of England and Ireland. He appealed to the noble Marquess, whether this proposition was not totally unobjectionable. If the noble Marquess saw fit to reject the Amendment, upon him he would place the responsibility of all the ejectments and pulling down of houses that might hereafter take place.

The Marquess of CLANRICARDE said, that the Amendment moved by the noble Earl raised a question of landlord and tenant, which had nothing to do with this Bill. The noble Earl proposed to extend the jurisdiction to houses in all the rural districts; but the effect of that would be to include all the houses that were left for a calendar month—a result the noble Earl would scarcely desire. The Amendment of the noble Earl would give rise to a discussion on the whole question of landlord and tenant, and the present Bill was not intended to meddle with that subject.

The Earl of LUCAN defied the noble Marquess to bring forward a good reason for rejecting the Amendment. The noble Marquess's objection was, that it would bring the power into the rural districts; but he must ask his attention to the fact that the Bill applied to "villages;" and what were villages but rural districts? He complained that the noble Marquess would give no reasonable ground of objection to a reasonable proposition for amendment.

Amendment negatived.

Bill passed, and sent to the Commons.

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE BILL.

The Marquess of LANSDOWNE moved the First Reading of this Bill, which had just been brought up from the House of Commons. The noble Marquess explained that the Bill was, in substance, the same as that which had already received their Lordships' assent; but, on its going down to the other House, it was discovered there that one of its clauses interfered with the privileges of that House. In consequence, that Bill was obliged to be laid aside; but another was at once brought in, which had since passed the Commons, and had now reached their Lordships' House. He begged to move that the Bill be read a first time, and to give notice that To-morrow he should move the suspension of the Standing Orders, for the purpose of passing the Bill without further delay.

Bill read 1ª.

FRIENDLY SOCIETIES BILL.

Lord BEAUMONT, in moving the Second Reading of the Friendly Societies Bill, expressed his regret that it should have come into the House at this late period of the Session; but, as their Lordships had had the opportunity on an antecedent occasion of discussing the subject, and as the most minute attention had been given in the other House to all the details of the measure, he hoped their Lordships would waive that objection. It was most important to avoid delay; for the principles upon which friendly societies were conducted, both in England and Ireland, were most anomalous, and required a speedy remedy. The amount of money invested in these societies, and the number of their members, were very large, and showed the great importance of the subject. According to a summary he held in his hand, there were actually 3,050,000 persons, or almost one to two of the whole adult male population. The annual revenue amounted to 4,985,000*l.*, and the accumulated fund to 11,360,000*l.* The Bill introduced many improvements in the present law, and also made provisions with respect to the mode of conducting these societies, which he believed to be perfectly safe, as far as they went; and he thought they went as far as it would be safe to go. It was most important that the Bill should now pass forthwith; for if it were not at once to become law, there would be time for incalculable evils to arise before the Legislature could have again the opportunity of interposing to prevent them. Friendly societies were divided by the Bill into two classes, namely, registered societies and certified societies. The only power given to the former was the right to sue and be sued. This was necessary to prevent embezzlement of the funds by officers, or the withholding the sums due to rightful claimants. The Odd Fellows, the Foresters, &c. would be registered societies, as their tables could not be certified by an actuary; but he must, in justice to them, say, that they had taken great pains to have their tables based on sound calculations, since the report of their Lordships on the subject. The noble Lord concluded by moving the second reading of the Bill.

Lord REDESDALE was extremely sorry the Bill had come before their Lordships so late in the Session, as it introduced a new principle into the management of friendly societies which ought to have been fully and maturely considered. To some of the details he objected; and he trusted their Lordships would pause before they assented to all of them, because it was quite possible that these societies might change their character and become converted from provident institutions into others of an objectionable, not to say dangerous, nature. He would not object to the second reading of the Bill; but he recommended that they should strike out all the clauses in which distinctions were drawn between registered and certificated societies. He hoped also that means would be adopted to get rid of secret signs in these societies.

Lord MONTEAGLE hoped the Bill would pass; there was much force in the objections which could be urged against some of its provisions. He should be very glad if the evils of the burial clubs, which had led to the spread of child murder to such a horrible extent, would be got rid of by some of the enactments of the Bill.

Lord BEAUMONT would not pledge himself to make the alteration suggested, but consented to give notice for To-morrow, of a suspension of the Standing Orders, in order that the question might be considered in time to obtain the consent of the Commons, should the alteration be made.

Bill read 2ª.

SECURITIES (IRELAND) ACT AMENDMENT BILL.

The Marquess of CLANRICARDE moved the consideration of the report on this Bill.

The LORD CHANCELLOR said, that his objections to the Bill had not been removed since the second reading. He contended that it involved a dangerous innovation of the principles by which the powers and functions of trusteeship had hitherto been regulated.

The Earl of GLENGALL concurred partially in the view taken by the noble and learned Lord on the woolsack, but thought it hard that trustees who had lent money on Irish properties should not have power to purchase, and thus to save the interests of their trust. The slaughter of Irish properties was so tremendous under the Encumbered Estates Court, that if trustees were not allowed a right of preemption, their mortgages would be perfectly valueless.

LORD BEAUMONT supported the Bill.

LORD REDESDALE was favourable to the principle of the Bill, as enabling the *boná fide* owners of property to obtain their rights in every part of the united kingdom. It was not to be borne, that in any part of the empire a return of six per cent and the best of all titles, a Parliamentary one, should be called an insecure investment for money.

The EARL of MINTO also supported the Bill. He thought that the same principle that ruled in Yorkshire, with regard to investments in land, should be extended to Ireland.

After an observation from the Marquess of CLANRICARDE,

Report received. Bill to be read 3^a To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 12, 1850.

MINUTES.] PUBLIC BILLS.—1^a Merchant Service Laws Consolidation.

3^a Crime and Outrage Act (Ireland) Continuance (No. 2); London Bridge Approaches Fund; Union of Liberties with Counties; Copyright of Designs Acts Amendment.

CRIME AND OUTRAGE ACT (IRELAND) CONTINUANCE (No. 2) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. G. THOMPSON rose to move, that the Bill be read a third time that day three months. He did so, because no case had been made out for the continuance of this unconstitutional Act, and because he believed that, far from tranquillising Ireland, it would arm the people with a strong argument to be used against the Government, especially as there was no measure either now before the House or already passed, which went to the root of the grievances that this Bill was proposed to deal with. So far as the Bill depended upon the votes of Irish Members, he admitted it was carried, for on the last division, out of thirty-three Irish Members in the House, eighteen voted for the Bill, and only fifteen against it. If Irish Members would only join with his party in voting for their common country such measures as circumstances required, more English Members would vote with the Members for Ireland on ameliorative measures for that country. But at no time, when his hon. Friend the Member for Montrose brought forward his measure for improving the representation, did more than seventeen Irish Members vote with him. He thought, however, it would be better if both sides would now bury in oblivion their mutual neglect, and unite for the future in supporting measures that would be for the benefit of both islands. When the late lamented statesman, Sir Robert Peel, determined to remove the corn laws, he, with a high sense of honour, resigned his appointment as Prime Minister, and advised Her Majesty to call to her counsels the noble Lord now at the head of the Government. But from some reasons the noble Lord was unable to form a Government, and he could assure the noble Lord it was a most fortunate circumstance he could not; for he (Mr. G. Thompson) had never heard the two individuals compared together without its being admitted on all hands that, in point of sagacity and decision, of wisdom to conceive, of firmness to carry out, and of Parliamentary eloquence to expound his plans, public confidence was reposed, not in the noble Lord, but in the lamented statesman, whom the noble Lord, by an unnatural combination with his political enemies, drove from power, and, to the misfortune of the country, had ever since continued to hold office on sufferance. At that time there could be no doubt that in many parts of Ireland the people were in a disorganised state, and crime and outrage were alarmingly frequent. A Bill to repress such a state of things was brought in by Sir Robert Peel's Government, and passed the House of Lords without any objection. But when it was brought into this House, what was the conduct of noble Lords and right hon. Gentlemen now on the Treasury bench? If they were right then, they were clearly wrong now. If they were right now, then the annals of political strife in this country presented no parallel to the conduct pursued by the present Government with a view to unseat their political opponents and obtain power for themselves. When the Bill was brought forward for a first reading, the noble Lord and his friends stayed away, hoping that the then Government would be delivered into the hands of the Philistines—the Protection party, headed by the late Lord George Bentinck. On the second reading the compact between the Whigs and the Protection party was completed, and the Bill was opposed by every Member of the Cabinet and holder of office in the present House, and the then existing Government was overthrown. Now, if there was any Member on the Treasury bench who valued his character for consistency and integrity, he was bound to get up and explain how it was, that he thought a coercive measure unnecessary in 1846, and that a more severe measure was necessary in 1850. The reason why the Bill was opposed at that time was, that remedial measures ought to precede measures of coercion. When the noble Lord came into office he struggled on for sixteen months without attempting measures of coercion, but things got worse, and remedial measures the noble Lord had none. Indeed he (Mr. G. Thompson) would maintain that so long as that incubus, the Church of Ireland, existed as an exclusive and dominant Church in the midst of seven millions of people who dissented from its doctrines, all other measures would be in vain. In 1847, the noble Lord was reduced to the abject and humiliating condition of proposing to the House substantially the same measure which he had rejected when brought in by the preceding Government. He admitted that the Government made out a strong case, and with overwhelming majorities they obtained their measure, having distinctly promised that remedial measures should be almost immediately brought in. That measure was now about to expire, and the present Bill had been brought in to continue it. Had they made out a case for its continuance? He found by the returns that 618 outrages had been reported to have been committed during the last six months of 1849, and 726 during the first six months of 1850. But they were informed by the right hon. Baronet the Member for Ripon, that the increase of outrages in 1845 over 1844, was 1,975. The number committed altogether in the year ending June, 1849, was 1,665; and in the year ending June, 1850, 1,452, being 213 less. Now, was this a case warranting the House of Commons to renew this Coercive Act? And he asked whether, if this had been the state of things in 1847, would the noble Lord have then proposed a coercive measure? or if there had been no coercive measure now in existence, whether he would now propose it? In either case he thought the noble Lord would frankly answer no; and if he would not do it under such circumstances, why did he propose it now? He did not mean to say that this measure, if passed, would be one of great practical oppression. He believed that the noble Lord who had charge of the interests of the country in Dublin, would not call the Act into operation without the clearest evidence that it was necessary; but he maintained that its existence would do no good, that it would tend to irritate the popular mind, and in that way to injure the cause of good government. While, therefore, he had no sympathy with those who were driven by poverty to commit crime; yet feeling the measure was unnecessary and exasperating, he would move that it be read a third time that day three months. He was as anxious as the Members of Her Majesty's Government were to see that country tranquillised; but as he could not see in this measure any tendency to produce that tranquillity, and as he thought it was an exasperating measure, and an insult to the country, he should resist it.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question put, "That the word 'now' stand part of the Question."

Mr. MOORE said, the hon. Gentleman who had moved the Amendment had passed a strong invective on Irish Members and a warm eulogium on himself, and had contrasted the indifference and apathy of Irish Members with the activity and zeal and diligence of himself and his friends. But if Irish Members were indifferent to the reforms contemplated by the hon. Member for Montrose, he would remind the House that only three English Members had voted against the renewal of the suspension of the Habeas Corpus Act. He received the support of the hon. Member, however, with gratitude, though it would be more welcome if accompanied with less of self-laudation. He had great pleasure in seconding the Motion.

Mr. M. J. O'CONNELL said, that twenty Irish Members had voted for the

Motion of the hon. Member for Montrose—not seventeen, as the hon. Member for the Tower Hamlets had stated; and if as many English Members in proportion had voted for the Motion, it would have had a much stronger chance of being carried. He would oppose the Bill now before the House; but he must in common fairness say that this Bill was not the same as was proposed in 1846—it was the mildest coercive measure that had ever been proposed, and for that reason he believed it had been the most effective in its results.

Mr. W. WILLIAMS said, he did not expect that one of the first votes he would be called upon to give on his re-entering the House would be against a Coercion Bill for Ireland. When the Coercion Bill was introduced in 1846, the noble Lord at the head of the Government stated that it was time that the policy of governing Ireland by standing armies and Coercion Bills should cease, and that a spirit of conciliation and remedial measures should be substituted. On that occasion the House supported the noble Lord, and threw out the Bill by a considerable majority. And now, at the end of four years, Ireland was left entirely as she was; nothing had been done to remedy her grievances, and she was still governed by standing armies and Coercive Acts. Still, if he thought a single murder would be prevented by the passing of this Act, he would be the last man to oppose it, degrading as it was to Ireland. But what did these crimes proceed from? It was the hand of the oppressed against the oppressor. They heard much of these crimes, but there were other crimes as atrocious of which they heard nothing. Look at the evictions which were so frequently taking place, by which hundreds of families were exposed to starvation: was that a condition of things that ought to exist? The noble Lord had the power, by making a proper relation between landlord and tenant, to stay the hand of the assassin, and stop the effusion of blood in Ireland. He had seen the condition of the serfs in the worst parts of Russia; he had seen the several tribes of the North American Indians; and he declared that the condition of the Irish, and the state of their dwellings, were worse than anything he had seen in either of these places. And yet in the United States of America, where all men were equal, and where parties flocked from all the nations of the earth to improve their condition, he found the Irish successfully competing with the English, the Scotch, the Germans, the French, and the Dutch. The only reason, then, why they were so wretched at home was misgovernment; and the noble Lord would be much better employed in removing that misgovernment, than in passing additional coercion laws, of which they had had too many already.

Sir A. ARMSTRONG had voted with great reluctance for the introduction of the Bill, and for its continuance for one year. He was not now about to impeach the good taste or the good sense of Members who wished to make Irish landlords the victims of English misrule; the only harm he wished those Members was, that they had estates in Ireland, and were obliged to reside upon them. The crude, inapplicable, and vicious legislation of Parliament for that country compelled the people to make laws for themselves, which they scrupulously enforced, whilst they set many of the laws of Parliament at defiance. What Ireland required was commerce and manufactures to afford remunerative employment to the people, and a home market for its agricultural produce. It was the duty of statesmen to open up the sources of industry and beneficial employment for the people. "The good shepherd would lead his flock." Were the Government prepared with some great and comprehensive measure for placing remunerative employment within the reach of the Irish people? Were they prepared to do battle with the cotton millionaires and the merchant princes of England for a fair share of the commerce and manufactures of the united kingdom for Ireland? Were they prepared to contend against the tyranny of overwhelming capital? Ireland ought to be placed in a state of perfect civil, religious, political, commercial, and manufacturing equality with England. Let the Government charter for a limited term a company of cotton spinners and a company of woolstaplers for each of the three Irish provinces that had no manufactures deserving the name. Let a Royal dockyard be established for building ships for Her Majesty's Navy. Let Ireland have a fair number of representatives in that House. Let the anomaly of the Protestant Church Establishment be abated. With measures like these, the foundation of Ireland's prosperity would be laid, and there would be no need for Coercion Bills.

The House divided:—Ayes 75; Noes 21: Majority 54.

List of the Ayes.

Aglionby, H. A.
Arkwright, G.
Armstrong, Sir A.
Bailey, J.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, Adm.
Bernal, R.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Broadley, H.
Brotherton, J.
Chatterton, Col.
Craig, Sir W. G.
Cubitt, W.
Dickson, S.
Dodd, G.
Douglas, Sir C. E.
Duncan, G.
Dundas, Adm.
Dundas, rt. hon. Sir D.
Dunne, Col.
Ebrington, Visct.
Elliot, hon. J. E.
Forster, M.
Fortescue, hon. J. W.
Fuller, A. E.
Grey, rt. hon. Sir G.
Grey, R. W.
Gwyn, H.
Halsey, T. P.
Hamilton, G. A.
Harris, R.
Hawes, B.
Headlam, T. E.
Heathcote, G. J.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hobhouse, rt. hon. Sir J.
Hogg, Sir J. W.
Hornby, J.
Howard, Lord E.
Hudson, G.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Locke, J.
Lockhart, A. E.
Lygon, hon. Gen.
Matheson, Col.
Maule, rt. hon. F.
Norreys, Sir D. J.
Ogle, S. C. H.
Paget, Lord C.
Parker, J.
Romilly, Sir J.
Russell, Lord J.
Sandars, G.
Seymour, Lord
Sheil, rt. hon. R. L.
Sibthorp, Col.
Smythe, hon. G.
Somerville, rt. hon. Sir W.
Stafford, A.
Stanford, J. F.
Stuart, H.
Thornely, T.
Townshend, Capt.
Vane, Lord H.
Verner, Sir W.
Vivian, J. E.
Wall, C. B.
Wood, rt. hon. Sir C.

TELLERS.

Hayter, W. G.
Hill, Lord M.

List of the Noes.

Bright, J.
Cobden, R.
Corbally, M. E.
Fox, R. M.
Greene, J.
Hall, Sir B.
Higgins, G. G. O.
Hume, J.
Keating, R.
O'Brien, Sir T.
O'Connell, M. J.
Pechell, Sir G. B.
Roche, E. B.
Scholefield, W.
Scully, F.
Sidney, Ald.
Stuart, Lord D.
Thompson, Col.
Walmsley, Sir J.
Willcox, B. M.
Williams, W.

TELLERS.

Moore, G. H.
Thompson, G.

Main Question put, and agreed to.
Bill read 3°, and passed.

THE EXHIBITION—HYDE PARK.

Colonel SIBTHORP said, he wished to know whether the right hon. the Home Secretary did not contemplate the employment of a very large additional police force on the occasion, which would seriously augment the burdens of the people.

Sir G. GREY said, he believed the report to which the hon. and gallant Member for Lincoln had referred, relative to a large increase of the metropolitan police force being contemplated, was altogether without foundation. He could only say that no application had been made to him upon the subject. Of course a considerable number of police would be necessary for the protection of the property in the Exhibition; but, as he had before stated, if an application were made by the parties promoting the Exhibition for the attendance of policemen to protect the property, such application would be granted upon the same terms on which similar requests were acceded to—that the expense should be borne by the parties making the application. That arrangement, however, would have no reference to any increase of police that might be rendered necessary in consequence of the influx of strangers generally into the metropolis, but he had no reason to suppose that the existing police force would not be amply sufficient.

THE FAMILY OF THE LATE RAJAH OF SATTARA.

Mr. HUME wished to ask the right hon. Baronet the President of the Board of Control what provision had been made for the widow and adopted son of the late Pertaub Singh, Rajah of Sattara, now detained in exile at Benares, and the reasons for withholding from the legal heir the private property of which his late Highness was possessed at the time of his deposition, and which, according to the documents on the table of the House, it was guaranteed by the Governor of Bombay and by the political resident, Colonel Ovans, should be held at his disposal.

Sir J. HOBHOUSE said, the question put to him by his hon. Friend was in a great degree answered by the paper to which he had alluded, that was to say, with reference to the provision the Government proposed to make for the widow and the adopted son of the late Pertaub Singh, Rajah of Sattara. His hon. Friend was aware that when Sir James Carnac first of all made a statement of the provision intended for the family of the ex-Rajah, the statement given to the deposed Rajah was that the widow should receive 800 rupees a month. When he died, that sum was offered to the ranee, the surviving widow, but she refused to receive it, stating it was inadequate. In consequence of the opinion so entertained by her, the home authorities communicated with the Indian authorities, and instructed them to make an addition to that sum, not only for the widow, but also for the adopted son; and, as his hon. Friend had now stated, the sum which had been fixed on for the maintenance of the surviving widow and adopted son was exactly three times the amount which was fixed on by the administration of Sir James Carnac, when he made his first arrangement. Whether that sum was sufficient or not, admitted of question; but no person could say that sufficient attention had not been paid to this subject. when exactly three times the amount of allowance which was originally proposed by Sir James Carnac had been fixed on for the maintenance of the surviving widow and the adopted son. Indeed it was not until the death of the ex-Rajah that the sum was said to be insufficient. His hon. Friend was mistaken when he had stated that there was no understanding with reference to this 12,000*l.*, or that if the 12,000*l.* a year were allowed that it should be in full of all demands, for he held in his hand a copy of a letter which might be seen in the Parliamentary Papers of 1843, page 296—a letter from the Secretary of the Bombay Government to the Secretary of the Government in India, that is to say, from Sir James Carnac to the Earl of Auckland, in which these words occurred:—

> "The Government deem it necessary to state that they have gone into the whole claim advanced by the ex-Rajah," that is, with reference to his private property, "and they think his claims should be declared inadmissible, except that which relates to private property which can be shown to have belonged to him. The 120,000 rupees, therefore, which are to be paid to him, that is, the 12,000*l.* a year, for himself and family, are to be paid in satisfaction of all demands whatsoever against the Sattara Government."

That was the letter written by the Secretary at Bombay, which would be seen, as he had stated, amongst the Parliamentary Papers, and which was communicated to the ex-Rajah. In fact, he knew that he was cognisant of it and of the whole arrangement that was made, not only with himself, but with all the other parties, for he happened at the time to hold the same place that he now did, and he remembered that the 12,000*l.*, all things considered together, was thought to be adequate provision. With respect to the other part of the question, that there was a guarantee, he begged to tell him that there was no guarantee, none whatever, with respect to the private property of the Rajah. The only understanding that he ever heard of was, that whatever he could prove to be his private property he should have; and his hon. Friend must be quite aware of this, that the reigning Rajah, the brother who succeeded him, complained when he went to Benares that the ex-Rajah took away with him more than was his private property, both in jewels and in money. The claim was examined by the Secretary to the Bombay Government, and he as well as the Earl of Auckland declared the claim to be inadmissible. Having said thus much, he would inform his hon. Friend publicly, as he had already told him in private, that he thought this claim should be re-inquired into, and he had written to India, stating what his views were. It was probable that when that letter was received, it would be acted upon. His hon. Friend was aware that he did not agree with the Government of Bengal on this subject.

RIO DE LA PLATA.

MR. SMYTHE wished to ask the Foreign Secretary—1. Whether there was any objection to lay before Parliament copies of instructions to Mr. Hood, senior, Lord Howden, Captain Gore, Mr. Hood, junior, and Mr. Southern, some time agents in La Plata? 2. Whether our relations with France in La Plata were of such a nature as to afford any hope of a successful issue from the offer of our good offices made in the third article of the new convention? 3. Whether security to the lives and property of British subjects residing in the Banda Oriental had been guaranteed?

VISCOUNT PALMERSTON said, that the negotiations which had been going on for some time between the Government and General Rosas, having been concluded by a treaty, it would not of course be consistent with his public duty to present the copies of the various proposals which had been made from time to time, for the purpose of bringing about an arrangement, but which had not been successful in their results. Now, however, a treaty, and, as he thought, a satisfactory treaty, having been concluded—and if the House did not think it satisfactory they could discuss it next Session—he did not think it would be just or right to produce former proposals which had been unsuccessful. With regard to the second question, they thought it better for the interests of all parties that they should conclude a treaty on their own part with General Rosas and the Argentine republic, without waiting for the results of the negotiations with France. By adopting that course, they thought they should be in a better position, having settled their own particular question with General Rosas, to obtain a settlement of the entire dispute between all parties, than if they waited for the negotiations with the French Government. According to the last accounts, these negotiations were going on satisfactorily; and no person was more likely to obtain from General Rosas those small modifications which were required to terminate the dispute, than the officer who was sent out by the French Government to conduct the negotiations. With regard to the safety of British subjects, he had no apprehensions that the British subjects in Monte Video would be exposed to attacks of any kind. They had the guarantee which General Oribe gave them on a former occasion, and which he always considered to be binding upon him. He therefore saw no ground for apprehension to British subjects or British property when the foreign troops were disarmed and the Argentine troops returned from the territory of Monte Video.

BUSINESS OF THE SESSION—PUBLIC BILLS.

Sir B. HALL rose, pursuant to notice, to call the attention of the House to a return headed "Public Bills," lately printed by order of the House. It was not his intention to enter into a review of the foreign or domestic policy of the Government; his only object was to call the attention of the House to what had been the conduct of public business during the present Session, and merely with the view of placing the subject before the House, in order that they might not in another Session of Parliament have their time so completely taken up as it had been this Session, and also that they might have what time was taken up better occupied than it had been during the present Session. He never knew any Session of Parliament since the passing of the Reform Act in which there had been a more anxious desire to transact and get through the business than during the present Session; and he had observed also that the debates had not been adjourned, with the exception of the foreign policy debate, lasting for four nights, and in which twenty-five Members spoke during thirty-eight hours. There had been only one adjourned debate during the whole Session, and with that exception the speeches in general had been more concise than hitherto. The House also had sat every Government night without being once counted out; and he would call attention to the number of hours they had devoted to public business, and he would instance some days in July. He would take the Mondays and Fridays in July, as they were Government nights. On the first Monday and Friday in July the House sat 19 hours; on the second Monday and Friday, 24 hours; on the third Monday and Friday, 22½ hours; and on the fourth Monday and Friday, 25 hours and 20 minutes. The total number of hours they had sat during the Session was 1,041; they had had 149 sittings; and they had sat now for 25 weeks, exclusive of the holidays; and, allowing 100 hours for the Wednesday sittings, for four days every week they had sat during the whole of that Session, ten hours and a half a-day. This was all totally independent of the Committees which sat in the mornings, and in the deliberations of which their constituents were often deeply interested. The House had frequently sat at twelve o'clock at noon, and having adjourned over an hour or two in the afternoon, they resumed again in the evening, and continued sitting till two and even three o'clock in the morning. Now the inference he drew from all this was, that it was impossible for men, however great might be their intellectual or their physical strength, to devote so many hours to the performance of their duty to their constituents, unless some better arrangement was made for the conduct of public business. He did not want to find fault with the Government in this matter; he knew their position with regard to it was one of difficulty; but if they would consider the subject during the recess, and make suggestions when Parliament reassembled, or recommend the appointment of a Select Committee to inquire into it, greater facilities would be afforded for the transaction of the business of the country, and great convenience rendered to Members of Parliament. They could not spend all their time within the walls of that House; they had all other duties out of the House to perform; but at present it was impossible for any Member to obtain time for despatching any private business, or for purposes of relaxation or enjoyment. He found that last year the House sat 932 hours, and the Government passed 89

Bills; and this year, up to the 9th of August, they had sat very much longer and only passed 58 Bills, and this notwithstanding the prevalence of a greater desire to get through with the business. He had moved for a return of the Bills brought in during the present Session, and he would allude to the document to show the progress that had been made with some of the Bills introduced, and the manner in which they were disposed of. He would show that it was utterly impossible to know when important Bills would come on, or the way in which they would be proceeded with. Ninety-five Bills had been brought in by the Government. He would take a few from the return. There was the Appointment to Offices Bill. It was brought in on the 9th of July, was read a second time on the 12th of July; the Committee was postponed five times, and now they did not hear anything of it. The Brick Duties Bill was brought in on the 18th of March, and passed without much opposition. The Charitable Trusts Bill was brought in on the 8th of February, the second reading was deferred eleven times, the Committee was deferred thirteen different times; the number of times it stood as amended to be considered was four times; the third reading was deferred five times; and thus a Bill brought in on February 8, lingered till the 25th of July. The Chief Justices Salaries Bill was brought in on the 11th March, was considered in Committee on the 25th, as amended to be considered it was deferred eleven times, and no more was heard of it until the 1st of August. The Duke of Cambridge's Annuity Bill was brought in on the 22nd of July, and run through the House; and one remarkable fact was, that where the Government had shown a strong desire and intention to carry any Bill, they invariably carried it; and when they had shown vacillation and indecision, the Bill had gone on from time to time, and various postponements took place, so that Bills introduced at the beginning of February lingered to the present month. Then there was another Bill placed on the table; and he mentioned this, and other instances, to show how much time had been taken up by the introduction of Bills that were never intended to be carried through; and then, having been introduced, indecision was shown about them, and after remaining among the Orders of the Day for an almost indefinite period, they were at length struck off. The Fees (Court of Chancery) Bill was brought in on the 25th April; the second reading was deferred three times, the consideration in Committee was deferred fourteen times; and the Bill, brought in on the 25th April, lingered to the 29th July, and then was withdrawn. Now, he said that, in such cases, it was better that the Government should not bring in his Bills at all, unless they really intended to persevere in carrying them through. The Highways Bill was brought in on the 13th February; the Committee was deferred no less than thirteen times, and the Bill lingered on to the 12th July, and then was withdrawn. The same thing was the case with the Incorporation of Boroughs Bill. The Landlord and Tenant (Ireland) Bill was brought in on the 18th of February, the second reading was deferred fifteen times, and a single word had not been heard about it since that time down to the 1st of August, up to which date the return was made. Again, there was the Lord Lieutenancy Abolition Bill, brought in by the noble Lord on the 17th of May, and read a second time on the 17th of June. It was almost unanimously agreed to by the House, only thirteen or fourteen Members opposing it, and yet three whole nights were taken up in discussing the measure, when the time might easily have been much more usefully occupied. Nevertheless, this Bill meeting with so little opposition, and which might have been carried, was withdrawn on the 4th July, and thus all the time the House had occupied was utterly wasted. The Marlborough House Bill was brought in on the 30th of July, and it was an instance of how a Bill could readily be passed by the Government when they showed a firm determination to persevere with it; for there was no doubt it would become law. The Mercantile Marine Bill was brought in on the 11th February, and the second reading was deferred five times; but without even being read a second time it was withdrawn on the 19th April, and another Bill was obliged to be introduced after all the discussion that had taken place on the first Bill. The Merchant Seamen's Bill was brought in on the 11th February, and the second reading was deferred no less than fifteen times, and Members might have come down fifteen different days expecting to discuss this Bill; but at last, after lingering from the 11th February, it was withdrawn on the 8th July. Then there was another Bill of nearly the same character—the Merchants' Shipping Bill—brought in on the same day as the preceding measure, but withdrawn on the 19th April. The next Bill was one that showed again how the Government could pass a measure through whenever they were determined. He alluded to the Metropolitan Interments Bill, with which the Government having determined that nothing should interfere, it was of course passed. Then came the Oath of Abjuration (Jews) Bill, about which he would say little, because the subject had been so recently debated; but this Bill was brought in on the 30th of May; the second reading was deferred four times; and (as the House would have a full recollection) on the 22nd of July it was withdrawn. Then the Parochial Assessment Bill was brought in on the 8th of April, it never went to a second reading, but remained on the Order table for three months. The Public Health (Scotland) Bill was brought in on the 6th of March, it was read a second time on the 12th of April; the Committee was deferred five times, and ultimately the Bill was withdrawn. The Railway Audit Bill was a case of precisely the same nature. Then came the Savings Banks Bill, which was brought in on the 29th April, it stood eleven times for a second reading, and no notice whatever had been taken of it up to the 1st of August. The Stamp Duties Bill was another remarkable case. It was brought in on the 22nd March, and lingered on to the 10th May, when it was put off for six months. Now, here was a Bill of really very great importance—he meant the Woods and Forests Bill. A Committee sat two years on the subject; and if ever a measure ought to be brought under the consideration of that House to correct the abuses of a department of the State, it was this Bill for the better management of the Woods and Forests. It was introduced by the noble Lord on the 22nd February, its second reading was deferred fifteen times, and it lingered from the 22nd February till the 4th July, when it was abandoned for the Session. Now what was the summary of the Bills they had passed in the present Session—the most laborious Session, he ventured to say, that was ever known in this country? The returns made up to the 1st of August showed that they had passed the Australian Colonies Bill, which was introduced on the 11th of February; also the Brick Duties Bill, which was unopposed; the Charitable Trusts Bill; the Mercantile Marine Bill (which was brought in on the 11th February, and lingered till the 29th July); the Metropolitan Interments Bill, and the Parliamentary Voters (Ireland) Bill. But he must allude to another measure which furnished a further proof of how the Government could pass a measure when they showed their determination to do so. He meant the Ecclesiastical Commission Bill, which came down from the House of Lords; and although it encountered considerable opposition in that House, yet, owing to the spirit of perseverance evinced by the Government, they had succeeded in carrying their measure through. Now, the course that he hoped the House would take was this—really to consider the serious evils which they suffered from this mode of conducting the public business; and he hoped the Government, as he might say the managers of public business, would devise some arrangement that would afford relief to themselves as well as to the independent Members of the House. He believed that fifty-eight measures this Session had been introduced by private Members, and up to the 1st August eighteen of them had passed, or only about one-third of the whole. Now, as he had said before, one of the great evils of this system was that the House hardly ever knew what business was likely to come on at any particular time, and Members came down and were obliged to wait night after night and hour after hour in a state of uncertainty as to what questions were to be taken, especially on Government nights; for on other nights private Members had no right to take the notices out of their regular order on the paper. Having made these remarks, he would repeat that he believed the number of Bills of a really useful nature which they had passed this Session would make a very bad show for the number of hours they had been occupied with legislation. He believed, indeed, that when Parliament came to prorogue, they would have sat more hours and have done less in the present Session than during any Session preceding. He had avoided going into the question of the general policy of the Government, domestic or foreign; his only desire being to bring in review before the House the mode in which its time had been occupied, with the view, if possible, of leading to some practical amendment in the system of conducting the business of the country.

Motion made, and Question proposed—

"That there be laid before this House a Return, in continuation of Parliamentary Paper, No.

671, of the present Session, headed 'Public Bills,' to be made up to the present time."

Lord J. RUSSELL said, that the hon. Baronet had entirely confined himself to the mode of conducting public business, and had not entered into the question of the policy of different measures; but at the same time he (Lord J. Russell) could not say he agreed with the hon. Baronet in the general tenour of the remarks he had made to the House. It appeared to him that the House had really conducted an amount of public business such as he believed no assembly in the world had ever conducted before, and, whatever might have been the case in one or two Sessions, the present Session certainly afforded an example of great attention to public business, and of but few departures from the general understanding to facilitate the passage of useful Bills as speedily as possible. It should not have been forgotten that a portion of the Session had been occupied with a question on which the House had gone over the whole foreign policy of Government, and it was obvious that the principal speakers could not dispose of so important a subject without going into it at considerable length. The hon. Baronet had said, much to his (Lord J. Russell's) surprise, that hon. Members were not aware of the precise business to be brought forward, especially on Government nights. Now, that certainly might have been the case some years ago, for then, when there were twenty or thirty notices on the paper, the Minister might have brought any of them forward without notice; but that was no longer the case. He (Lord J. Russell) had been the first to alter that custom, and he had introduced the practice of giving notice and of printing in the Votes with the Orders of the Day those Bills, naming two or three especially which were likely to occupy the greater part of the time of the House, to be brought in before the other orders. The Government, not confining themselves to that notice, had made a still further regulation, by which the Orders of the Day were taken on Government nights in the order in which they stood upon the paper—a regulation which was of some inconvenience to the Government, but of obvious advantage to the House. The hon. Baronet had also omitted to state that in the course of the Session the Government must occupy a very large number of nights in the discussion of the Estimates. They had the Navy Estimates, the Army Estimates, and the Ordnance Estimates to consider, and then came the Miscellaneous Estimates, which were pretty certain, every time they came before the House, to give rise to some very miscellaneous debates. These must take up a considerable part of the Session, and when he observed that in the course of a month Government had only ten nights, it was obvious that more than one month on the part of Government was taken up by the Estimates, which must be brought forward, as the supplies depended upon them. Whatever other objects they had in view, Government must therefore give up a month at least, or probably five or six weeks, to the Estimates, in order to obtain the necessary supplies. He thought, considering these circumstances, the importance of the subjects brought forward for discussion, and the stand that had been taken with respect to several of them, that, if anything was surprising in the matter, it was that the House had been enabled, by its devotion to public business, to get through so many important Bills in all their stages. The hon. Baronet had observed—and he (Lord J. Russell) was not saying that such cases did not occur—that several Bills which had been introduced had not been proceeded with; but then there were various circumstances which might always account for some Bills not being pressed forward. The Government thinking a measure likely to be useful to the public interest brought it into Parliament. There hon. Members took a different view of the measure, and it was withdrawn; or, again, it might be that there was a strong impression out of doors that it should not be proceeded with, and it was consequently abandoned. For instance, there was the Bill of the late Government with respect to education, which was introduced into the House, after some discussion altered and amended, and finally given up. His opinion was, that Government was not in the least to blame for bringing forward that measure, or for giving it up. He had looked upon it, when first introduced, as a useful Bill for a useful purpose, but there was a popular impression against it, and it would have been useless to proceed with it. He could not conceive how it was possible for any Government to foresee the result in that House, or the impression on the part of the public, which might occur with respect to Bills which they brought forward. In the course of his remarks the hon. Baronet had alluded to the Landlord and Tenant Bill for Ireland. Now, that was a subject very much considered, and it had occupied the Cabinet for seven or eight meetings, at which the whole subject was under consideration. The Bill was then brought forward; it had been sent to a Committee chiefly of Irish Members, who sat for several weeks, and finally reported upon it. No more consideration could have been given to a Bill; but certainly when it was brought forward in the course of the present Session, and when the measure went to Ireland, it was seen the measure was not likely to produce satisfaction, and that its working would not be in all probability advantageous. He did not see how it was possible for any person, whether a Member of Government or a private Member, to foresee the exact public impression which would be created by any Bill, or whether it might or might not be advisable to press it. As to another Bill, that for the abolition of the Lord Lieutenancy of Ireland, he had stated his reasons for bringing forward the measure on its reduction. Those reasons had been, he thought, generally approved of by the House, by the people of this country, and in the other parts of the united kingdom. But then arose the question of the appointment of the Fourth Secretary of State, with respect to which considerable doubts were entertained. He had no doubt on that subject himself; but he found that there were such doubts on the part of hon. Members, and of persons whose opinion was entitled to attention. When he was about to proceed with that measure, and with several other Bills—one of which was a measure for the admission of Jews into Parliament—he found a fortnight in the Session taken up with a debate on foreign affairs. That completely changed the position of affairs; if he had been able to send up the Bill for the abolition of the Lord Lieutenancy, even in the middle of July, to the other House, he might have proceeded with it; but if it was sent up at the beginning of August, it was obvious there would be reasons given in the House of Lords, not against the Bill itself, but against considering a measure of such importance at so late a period of the Session. There were several other Bills to which similar remarks had been made by the hon. Baronet, to which similar objections would apply. As to the Court of Chancery Bill, and another Bill to which the hon. Baronet had alluded, there had been a Committee sitting upstairs with views not entirely different, but with views in favour of different proposals, and while these proposals were being considered it was desirable and reasonable those Bills should be withdrawn; but he could not think that time had been quite lost, for when Bills of that kind were brought forward, very often, in the course of discussion by a Committee of the House, a way was at length discovered by which many considerable difficulties might be obviated. He knew certainly those Bills often took very considerable time. Let them them take, as an example, the case of the County Courts Bill. One would suppose it would only be necessary to state that its object was to extend the local administration of justice, and to render it cheaper and more accessible, for Parliament to receive it with general assent. And yet what were the facts? His late lamented Friend Earl Spencer, had, in the year 1823 or 1824, he believed, or some year about that time, when Mr. Canning was the leading Minister, introduced a measure on the principle of the county courts. It had been improved by every one, amended by every one, and dropped year after year. He had introduced it himself, and several hon. Members at different times had done the same; but still it did not pass into a law till the late Administration took it up, and in 1846, after some twenty-three years' discussion, the Bill at last became law. If the hon. Baronet would say that every Government was to blame from 1823 to 1846, it might be so—it might be that if the hon. Baronet was Minister he would define at once, not only the proper measures, but all the details, which would be exceptionable, or which would meet the assent of both Houses of Parliament. Such a thing might be possible; but it certainly had not occurred in his (Lord J. Russell's) memory, though many able men had been at the head of affairs during that period. With respect to the Woods and Forests, the Bill was founded on the views taken by a Committee of the House; but after the Bill had been introduced, a change took place in the office of Chief Commissioner, and he (Lord J. Russell) thought it desirable that his noble Friend the Member for Totness, who had shown so much ability and judgment as Chairman of the Committee on the Army and Navy Estimates, should have full time to make any suggestions which his judgment and experience might enable him to offer, and that it would be better to give his noble Friend that full time for consideration, instead of making any amendments at the moment. He could not go further into the various questions to which the hon. Baronet had alluded. There were several Bills of very great importance, which, as the House knew, had been brought in and carried to a successful issue, every one of which had had a great deal of attention and of pains bestowed on them. The Australian Colonies Government Bill was one of those. It certainly had taken up much time; but no one could doubt that the various statements of the right hon. Gentleman the Member for the University of Oxford, and of the hon. Baronet the Member for Southwark, had developed views of colonial policy highly worthy of the attention of the House, and which, whether they were right or wrong, were fully entitled to consideration. The Metropolitan Interments Bill had also taken up a good deal of time. [Sir B. HALL: One night and two morning sittings.] Well, a night and two morning sittings; but he thought local prejudice had had a very great effect in obstructing the progress of what he considered a very useful and necessary measure. Another circumstance which appeared to him to stand in the way of speedy legislation at all times was this, that the more Members of the House turned their attention to public subjects, and the more Members there were who were capable of addressing the House on such subjects, the more time would be consumed in discussing any question. While debates were confined to some four or five leading Members on each side, they delivered their speeches on a particular subject, and were not ready to enter upon every topic which came before the House, and a great number of Bills of great importance were postponed, with respect to which hon. Members, if they looked to the records, would scarcely find the trace of a debate. In these days there was far more attention paid, not only to the principle but to the details of every measure, and there was a far greater number of Members ready to address the House, and to enforce their views, than had been formerly the case. That was a change which had taken place quite independently of any Government or of any legislation. It was an improvement in many respects, and was a change which ought to be; but, with the improvement derived from the increased attention to business, and from the public spirit which induced Members of the House to devote their time and labour to public objects, there was a great amount of time necessarily given to the consideration of the various questions under discussion. He thought they had every reason to be satisfied with the close attention given to the public interests during the present Session; and, considering the labour they had bestowed on the measures he had just mentioned—on the Metropolitan Interments Bill, on local Bills, and on measures of improvement, comprising one so important as the Australian Colonies Bill, he thought the House had shown its capacity for business, and that he had been justified in saying they had accomplished a greater amount of legislation than any assembly in the world.

MR. BRIGHT: Sir, there can be no doubt of the great industry exhibited by the House. I can justly say, that at least 200 hon. Gentlemen have been worked harder in the last six months than an equal number of labourers taken from any parish in England. Nevertheless, I think Her Majesty's Ministers would do well to take a suggestion from the hon. Baronet who has introduced the subject, with regard to adopting a better working system in future Sessions. One great fault of the House is this, they have so many matters of detail brought before them, that it is impossible to have them considered in a House so numerously composed. I therefore think it would be well if the House were to be divided into sections for the consideration of details, leaving the House at large to decide on the principles, by which means, I doubt not, business will be got through much more satisfactorily than at present. The noble Lord at the head of the Government has referred to a few Bills, amongst the rest the Landlord and Tenant Bill. Now, that very Bill I pressed upon the noble Lord several times during the Session, and urged the necessity of Government making it a measure of first importance. It is now a measure of first importance, not alone as regards the people of Ireland, but with regard to what has just taken place. A conference has been sitting in Dublin of earnest men from all parts of Ireland. Now, Sir, without agreeing in all that has been said and done by that conference, we cannot shut our eyes to the fact of its importance, and that it will be the means of evoking a more formidable agitation than has been witnessed for many years. Instead of the agitation being confined, as heretofore, to the Roman Catholics and their clergy, Protestant and dissenting clergymen seem to be amalgamated with Roman Catholics at present—indeed, there seems an amalgamation of all sects on this question; and I think it time the House should resolutely legislate on it. I hope the noble Lord at the head of the Government will take measures for sifting this question thoroughly, and that he will submit a Bill early next Session of a simple and conclusive character, and press the question on the House with the same earnestness he did some other Bills, which were rather of a questionable character. There is business also in this House—Committee business—apart from the more prominent business of the House. There is one Committee—the Committee on Official Salaries—which has been made the subject of criticism in another place. A noble and learned Lord (Lord Brougham) has asserted in another place that the Committee was composed of a most ignorant body of men. It probably was very true that we did not pretend to be as learned as that noble and learned Lord. But, Sir, we pretend to possess information on some matters of a practical nature; and I doubt very much if the noble and learned Lord was correct in stating that the Committee was composed of ignorant men. The noble and learned Lord complains that he himself was not examined, and then jumps to the conclusion that we were ignorant men. Sir, if we did not examine that noble and learned Lord, it was not because he did not ask to be examined over and over again; and when the noble and learned Lord's application was submitted to the Committee, I believe they were unanimous in feeling that the noble and learned Lord could give no information that would be of the slightest importance to the Committee, or that would have the slightest weight with the House or with the country. I believe the House and the Committee will not regard the noble and learned Lord's remarks as very formidable. I recollect distinctly having had a passage of arms, or rather of pens, with the noble and learned Lord some few years since; and I am pretty well satisfied, and, I believe, so are the public also, that I succeeded in foiling him in the combat. Since that time the noble and learned Lord has not made himself more formidable; because the course he has taken has been so erratic, so extraordinary, that he who was once respected and admired, has come to be very much pitied. I think I might with much justice apply the language of Milton's *Samson* to the noble and learned Lord—

> "His race of glory run—his race of shame."

And well, and appropriately, might his friends add, "Would that his tongue and pen were now at rest!" I think it would be better for the noble and learned Lord's reputation that they were at rest. But, as regards the labours of the particular Committee, I think they were very useful—much more useful than those of many Committees which have sat of late years.

Mr. STAFFORD said, that as hon. Gentlemen who sat on his side of the House did not act together as a party, and as the hon. Member for Montrose and the hon. Member for Manchester, with some others on the opposite benches, had proved extremely rebellious during the present Session, it was obvious that machinery intended for two parties in the conduct of public business, was not suited for the purpose. He had heard with astonishment the proposal of the hon. Member for Manchester to divide the House into sections to consider matters of detail. Who were to decide what were matters of detail, and what were matters of principle? The attempt to decide that point on such a question, for instance, as the Irish Franchise Bill, would involve the House, not only in long debate, but in acrimonious dispute. He deeply deplored that Government had not attempted to legislate on the subject of landlord and tenant in Ireland; and the reason given by the noble Lord for his abandoning it, that the demands from one side were so unreasonable, would be of greater validity next year than now. Had the recent conference exhibited any moderation of tone, the noble Lord might have withdrawn the Bill, if the Irish representatives had opposed it; but they had no opportunity of expressing any opinion upon the measure, and it had been withdrawn *sub silentio*, leaving nothing but exasperation, irritation, and disappointment in Ireland for the recess. He would like to know on what principle the hon. Member for Manchester would act with respect to this question. Would he carry out his own principle of buying in the cheapest and selling in the dearest market, as far as the landlords were concerned; or did he think the tenant-right agitation could be reconciled to his free trade doctrines? He certainly would like the hon. Member to show how he could combine the principles he advocated, with the principles of the tenant conference. Was it the new free trade doctrine that the Irish landlord was not to sell his land for the best price he could get, and that while all agricultural produce should be open to competition, the land was to be locked up under a compulsory value? The hon. Member by his speeches and writings had excited considerable expectation among the people of Ireland, that he would do something for them during the present recess; but it was far easier for an independent Member to counsel Ministers than to bring forward a substantial measure of improvement. He would ask the hon. Member what had become of his long-promised game law? Let the farmers of Ireland judge of the hon. Member's ability to serve them, when they saw the farmers of England waiting in vain for the redress of grievances which the hon. Member had promised them. If he raised false hopes among the tenantry of Ireland, that Parliament would transfer the fee-simple of the land to them, no one knew better than himself that those hopes never would be realised. Nothing could be more certain to scare away English capital from Ireland, than the idea that there was a distinction between the law of property in the two countries. He foresaw a formidable agitation on the question, and hoped the Lord Lieutenant would not be called upon to exercise the powers with which they had again intrusted him.

Mr. BRIGHT begged to explain. The practice of dividing the House into sections was practised in the United States and France, and with success. The hon. Gentleman mistook him if he supposed that he (Mr. Bright) approved of all that had been said and done by the Dublin conference; but he wished to call attention to the fact. As regarded the game laws, he should say the tenant-farmers were powerless at present to carry any measure of the sort through that House. But with corn at 40*s.* a quarter, he thought landlords and tenants would be brought to their senses speedily, and then the question would more easily be set at rest. That was his reason for not bringing the question before the House.

Motion, by leave, withdrawn.

CEYLON COMMITTEE.

Mr. HUME moved that the evidence taken before the Ceylon Committee be printed. It would be in the recollection of the House that though the Committee had not thought fit to report the evidence to the House, it had, on his own Motion, been laid on the table, and he could hardly have supposed that after that the House would follow the ridiculous course of withholding it. Yet the noble Lord at the head of the Government had given notice of an Amendment to his present Motion. Her Majesty's Ministers were, in his opinion, equally culpable with Lord Torrington. He admitted that that House could not supersede the courts of law. Here, however, was a Governor who had thought proper to suspend the constitution of Ceylon, had tried almost innumerable innocent parties, executed eighteen, banished and imprisoned many more, and allowed the military wildly to confiscate and sell property, and had afterwards got a Bill of Indemnity passed in the island which precluded the injured parties, or their relatives, from having recourse to the courts of law to obtain redress, and left them no resource but an appeal to the British Parliament. Into the circumstances of this case Parliament had ordered an inquiry. Every possible obstacle had been thrown in the way of obtaining the requisite information; but at last the Committee came to a conclusion, though not till after divisions of six to six and seven to six, and such extraordinary proceedings as the history of Committees could scarcely parallel. The noble Lord had given notice of a Motion for submitting the consideration not to Members, but to the Colonial Secretary and to Her Majesty's Government. In his opinion Lord Torrington ought to be brought to serious account. He doubted whether the Governor General had the power of proclaiming martial law, except in such a case of emergency as had not arisen; but even if he had that power, he doubted whether it could be deputed by him to a Lieutenant General, and by that officer to a major, and whether all parties entrusted with it could proceed without any Judge Advocate to take care that justice was done. But there being no forms of law, no rules observed, nothing but the will of one man, it was in evidence that after a number of persons had been shot, Lord Torrington wrote to the Judge Advocate to know what powers he possessed. He was continuing shooting till the Judge Advocate interfered. [Mr. Hawes: No!] He would say yes. Lord Torrington went on until the Judge Advocate told him that if he did not stop, he would come and impeach him. His complaint was, that after petitions had been presented for two years from thousands of inhabitants of

Ceylon, containing charges of high crimes and misdemeanours against the Governor, the Government stepped in to prevent the publication of the evidence by which he believed the accusations could be proved. He learnt from a newspaper that the Governor had been removed. But was the House to be satisfied with that? After the destruction of so many human beings, and the punishment of so many who had since died, was the matter to pass away unexamined? Were they to be content with referring the matter to the Colonial Office? When he considered the noble Lord's (Earl Grey's) persevering obstinacy in Demerara; his approval of what had taken place in the Ionian Islands and in Malta; and the sanction which he had given to the proceedings in Ceylon without having before him the facts of the case, he could not feel satisfied with the course proposed by the Government. All he asked, then, was, that the evidence which lay on the table might be printed, with the view of enabling Members who ought to be, and who ultimately must be, the judges in the case, to come to a conclusion. As to Her Majesty's Ministers, they would be put on their trial; and, unless he were mistaken, something more than ordinary skill would be required to defend their conduct. He hoped the House would not refuse his reasonable request that the evidence be printed.

Motion made, and Question proposed, "That the Minutes of the Evidence taken before the Select Committee on Ceylon be printed."

Mr. HAWES said, it was not in his power to refer to the evidence to contradict the statements of the hon. Gentleman; and no Member who had not been on the Committee could form a correct judgment. The report of the Committee contained this sentence:—"Your Committee are of opinion that the serious attention of Her Majesty's Government should be called to the evidence taken in the course of this inquiry;" and his hon. Friend the Member for Montrose was one of those who voted in the majority. With regard to the printing of the report, a Motion was made and a question put to this effect—"That the whole of the evidence taken before the Committee be reported to the House." For that Motion the Ayes were only two; the Noes were ten, and the hon. Gentleman whom he saw on the third bench was one of those who agreed that the evidence should not be laid before the House. [Sir J. Walmsley bowed in acknowledgment of the allusion.] The Committee came to a resolution that inasmuch as certain parts of the evidence were personal and confidential, an effort should be made to separate those parts from the rest, and an effort was made by some Members of the Committee to effect that separation. The Chairman of the Committee, however, would not consent to put the question in that form. It was resolved that no further evidence should be reported to the House. Why did the Committee come to that resolution? For the simple reason that a particular portion of the evidence was of an entirely confidential character. That evidence materially affected the Governor of Ceylon: and it was thought that as he was not aware that his own private and confidential letters were to be read before the Committee, it would be most unjust to publish those letters to the world. He believed that whenever the subject should be debated in that House, many Members would be disposed to raise the question whether or not the Committee were justified in taking such evidence; and, for his own part, he should rely on the good feeling and sense of honour which prevailed in that House to decide in the negative. As to the other portions of the evidence, the Government had no desire to exclude any of them from public observation; and when the report thus constituted had been published, it would enable him to meet many of the charges which had been preferred. He ventured to say, that until the private evidence was laid before the Committee, scarcely a single Member of it thought any charge could be brought against the Governor of Ceylon; but undoubtedly when that material evidence had forced itself on the minds of the Committee, so great appeared to be the differences amongst the public servants of the Crown in Ceylon that it seemed utterly impossible that Lord Torrington could continue to administer the public service with advantage to the Crown, and on that ground alone did the Government take the step of recalling him. He was most anxious that the whole of the evidence should be laid on the table; but it would be most unjust to print private letters at a moment when the writer had not the slightest idea of their being used for such a purpose; and he trusted, therefore, that the House would not consent to their production. Under these circumstances, being precluded from entering into the details of the question, he should simply move the Amendment of which the noble Lord at the head of the Government had given notice.

Amendment proposed, to leave out the word "printed," and add the words "referred to the Secretary of State for the Colonies and the Members of Her Majesty's Government," instead thereof.

Question proposed, "That the word 'printed' stand part of the Question."

MR. NEWDEGATE wished to know whether a Committee appointed by that House to inquire into certain matters had any right to suppress the evidence laid before them? He also wanted to know what the Government had been about? Were they aware of all these circumstances? Did it need a Committee of the House to inform them of the state of Ceylon? Or did they sanction all the acts of the Governor? If the Committee gave them the first information as to the nature of these acts, they had taken the gravest proceedings in total ignorance of the circumstances under which they were taken. Either they knew of, or did not know of, all the circumstances appearing in that evidence. If they did not know of them, they had been sanctioning the proceedings in total ignorance of that which it was their duty to understand. If they did know of them, they had sanctioned proceedings which every Member of the Committee seemed to lament and condemn. Two years were allowed to elapse before any remedy was adopted for the evils with which the colony was oppressed, and it was impossible for any Member of the House to shut his eyes to the fact that the Government of Ceylon would be recorded in the blackest page of their colonial history. And all they had now was the assurance that Her Majesty's Government, having got the information, would keep it to themselves.

SIR J. WALMSLEY said, that having been referred to in the manner that he had been by the hon. Under Secretary for the Colonies, he must observe that he had voted in the manner stated because he considered that it would be improper to publish private and confidential letters. The House might, however, soon be placed in a somewhat different position; for very near the close of the proceedings letters were received from two of the witnesses, whose evidence was considered private and confidential—he referred to Mr. Wodehouse and Sir James Emerson Tennent—praying that their letters might be made public. Having entered upon the inquiry with an anxious desire to act justly and rightly, up to a certain point he believed that although the acts of the Government might not be justifiable, yet no harsh judgment would be adopted, considering the long period of time which had elapsed, and the distance of place. So far he was disposed to vote for a complete acquittal, as he stated more than once; but when the private letters came before the Committee, his opinion underwent a great change, and, without using any harsh terms, he must say that he thought the dismissal of Lord Torrington was fully justified by the evidence brought before the Committee.

MR. TORRENS M'CULLAGH said, the question was not whether the Government were justified in recalling Lord Torrington, but whether the House would, under existing circumstances, order the printing of certain documents which he believed a majority of the Committee were now of opinion that they ought never to have received. It was absurd to talk of the matter as a suppression of evidence. The fault, if fault there had been, lay in the Committee having admitted a great deal more than they ought to have done. But, less or more, the whole of what had been taken before them was now matter of record; and the sole question the House was called upon now to determine was, whether it was for the interests of the public service that a particular portion of it which was supposed to affect the character of an absent man, should be prematurely published. He used the phrase advisedly; and he thought that when the House considered the state of the case as it stood at the present moment, it would recognise the justice and propriety of at least deferring any decision. The whole of the evidence taken by the Committee during the Session of 1849 was already before them. No ground of personal exculpation had, even by his accusers, been found against the Governor of Ceylon or his principal advisers, in that voluminous body of testimony; and as little would be found in the evidence taken during the present Session, up to a comparatively recent period, when the Committee thought proper to allow the production of private and confidential letters. Were they prepared to vote, that when a public servant had undergone a searching scrutiny into all his public acts during the greater portion of two successive Sessions of Parliament, without damage to his reputation, resort might be had to means which in no case would be tolerated, and to testimony which no court of justice would allow? Would they make a rule which would sanction the rifling of private desks, for evidence, and the breaking of private seals? It was perfectly well understood, that no man holding office in this country knew of the existence of the letters in question, until one of them was first quoted from, and subsequently read *in extenso*, to the Committee. They were not produced by the person said to have written them, or the person to whom they injuriously referred; nor were they even authenticated. He could not help saying that it appeared to him (Mr. M'Cullagh) that the House would be setting a precedent fraught with evil, if, before a party thus impugned had had an opportunity of knowing what had been so laid to his charge, the whole of these documents were put upon every market cross, and given as food for comment to the public journals. How could the diplomatic service, or the colonial administration, or even the domestic government, of the country be decorously or efficiently carried on, if such a course of proceeding were adopted? Confidential letters on any conceivable subject might thus be forced upon the attention of a Committee sitting with closed doors, and then forced upon the attention of the public out of doors by a peremptory order for printing made by the House. As a Member of the Committee, he had throughout objected to the reception of the documents adverted to; and in point of fact they had been at first received upon an express understanding, that the question of making them evidence, or of reporting them as such, should be reserved. Had he supposed that they were not safe in that reservation, he should have divided again and again against their admission. He greatly regretted that they had been (unintentionally no doubt) trepanned into suffering these letters to be mixed up with other and legitimate evidence; and he had reason to know that similar sentiments were entertained by others as well as himself on the subject. In the last conversation he had had with the late Sir Robert Peel, that experienced and forethoughtful statesman expressed his fears regarding the misuse that might possibly be made of such evidence. If, then, there were in the estimation of many persons, serious grounds for excluding these letters from the consideration of a Select Committee, *à fortiori* there were grave reasons why they ought not hastily to be ordered for publication. As regarded the other Members of the Ceylon Government, he was bound to say that he thought the majority of them had passed through a severe ordeal unscathed; and he could not refrain from adding, that in his opinion Sir E. Tennent, although placed in some respects under circumstances of no ordinary provocation, had throughout his examination before the Committee manifested a degree of dignified forbearance highly honourable to him.

Mr. VILLIERS said, he thought the House ought to be informed why many Members of the Committee had felt a difficulty in reporting the evidence on the general subject of the inquiry to the House, without also reporting that which was termed private and confidential. It was this—that the latter evidence affected the credit of some of the witnesses, and it was not deemed right to report their evidence without allowing the House to know that other evidence had been taken which much weakened the effect of that testimony. This evidence certainly consisted of private letters; but the Committee had possessed themselves of it with no understanding that it would not be published. It was ultimately, however, considered, that as these letters had been written by those who were not then in the country, and who were not aware of their production, that it would not be proper to publish them until such persons had been apprised of the fact; and this accounted for none of the evidence being reported. The conduct of the Committee had been censured for not having made a report themselves; but he thought that the Committee were justified in not making a report by the inquiry not being complete, and, in his judgment, it could not be rendered so in a Committee of the House of Commons. In the first place, he thought that where charges of a criminatory character were brought against individuals at a distance, they ought to be investigated where there was somewhat more of regularity and responsibility than there was in a Committee-room upstairs; and in the next place, owing to the distance of the colony, the expense and delay of bringing witnesses were so great, that they were precluded from getting much evidence which in the progress of the inquiry was shown to be necessary; and from not having persons present who ought to have been examined, or statements confirmed that had been made, it was difficult to judge of the validity of much of the evidence that had been taken. The majority of the Committee had on this account come to the conclusion, at the close of last Session, that a Commission ought to be appointed to obtain evidence on the spot, where it could be easily obtained and properly sifted; and the result of the inquiry during this Session had, in his opinion, only made it more apparent that such was the right course to take, with a view to a just and proper termination of the inquiry; and he believed that if the Committee were to sit for a third Session they would come to no other conclusion. As far as the evidence went, he was bound to say there appeared much to justify or account for the course adopted by Lord Torrington in suppressing the insurrection; but, at the same time, he thought that there must have been many things done that the actual circumstances of the country did not justify. Lord Torrington was apparently supported by all the authorities —civil, military, and legal—in proclaiming martial law; but it appeared that he must have been misled or misinformed in continuing that measure for so great a length of time. The Chief Secretary of the Colony, Sir Emerson Tennent, had in his evidence fully supported that policy, and all that had been done upon the occasion; but other evidence had been given which went far to show that there must have been considerable ignorance of the circumstances, condition, and feelings of the people in the districts where the disturbances broke out, and that less severity would have been sufficient. The evidence, however, throughout was unsatisfactory, and consisted chiefly of that of official persons who were at variance with each other. In reply to some observations which had been made as to the length of time occupied by this Committee, and which had led to no result, it should be remembered that the case of Ceylon was not the only one referred to the Committee, and that the affairs of British Guiana were also made the subject of investigation, and occupied a very large portion of their time last Session. Under these circumstances, and considering that the task which devolved upon the Committee was a difficult one, he thought that some of the observations made upon it might have been spared.

Mr. BRIGHT wished to ask the Under Secretary of State for the Colonies whether he understood him right when he fanceid him to say that this postponement of the printing of the evidence was intended to be temporary? From some of the observations of the hon. and learned Member for Dundalk, it would seem as if the evidence ought not to be printed now, but might be got ready for the use of the House next Session. The hon. and learned Member referred to the hardship that some parties would suffer from the printing of evidence now. If it were only the object of the Government to prevent that hardship, it put the matter in quite a different light. He was of opinion also that the Amendment of the hon. Gentleman was not put in the proper form, as Her Majesty's Government were not known in that House as any legal and constitutional body; and he thought that the latter part of it should be left out, as the Secretary of State was the only responsible party on the question. The hon. Under Secretary of State for the Colonies made several statements, and others were made by the hon. Member for Montrose. They contradicted each other in the most undoubted and decided manner, though he believed that both hon. Gentlemen believed what they stated to be true. If, however, that contradiction did take place in such statements, it was the more necessary that the House should have the entire evidence before it. The hon. Under Secretary for the Colonies told them that there was not a circumstance before the Committee on which they should be called upon to take any step before they had had certain private letters before them. But they should recollect that the Government had taken a step by recalling the Governor, and had expressed their condemnation of the policy which he had pursued. It was to be regretted that certain letters of a private nature had been brought forward. He himself regretted that they should be brought forward; but if the tranquillity and the good government of the colony had been ensured by the publication of these letters, he would not consider it to be a very great misfortune. If they had not been produced, Lord Torrington would still be the Governor. He thought that this case ought to give the hon. Under Secretary for the Colonies, and the noble Lord who was his chief, a warning with regard to the government of Ceylon and the Ionian Islands and other dependencies. It occurred that when an insurrection took place in either of these places, the noble Lord, without knowing anything of the facts of the case, sent out a despatch giving the sanction of the Government to the course of conduct that had been pursued by the Governor. But when the matter came to be examined in this case, it was found out that his conduct deserved anything but their approval. He felt that if a similar inquiry took place with regard to the Ionian Islands, a similar result would take place. He thought when such occurrences took place in any of their colonies, a full and fair investigation should be held, whether the population were black or white. Though he fully appreciated the abilities of the noble Lord, and took into consideration the weight of the duties which devolved on his hon. Friend the Under Secretary for the Colonies, yet he thought that they had not taken the course which it was proper for them to take, and he called upon them to consider whether they should not grant such an inquiry as was sought for before they involved the Queen, the Government, and the country in the consequences of such deplorable occurrences.

Sir J. HOGG was sorry the hon. Gentleman the Member for Montrose had not taken this discussion on a distinct Motion. [Mr. Hume: I have done so.] No, the hon. Gentleman had taken it on a Motion to print the evidence; and it was competent for him to take it on the policy of Lord Torrington alone, for everything relating to the declaration of martial law, and the evidence in reference thereto, had been laid on the table of the House and printed, and might be referred to by every Member of the House, if the hon. Gentleman had brought forward a distinct Motion calling attention to the evidence that was published. Now, the complaint against the Committee was, that they had taken upon themselves, contrary to the duty and usage of the Committee, to state what evidence ought to lie upon the table. He contended that it was perfectly competent for the Committee to do so. It was a thing of every day's experience; but the House might overrule the decision of the Committee. But when the proceedings of a Committee were produced before the House, and it appeared from those proceedings that only two out of the twelve members of the Committee were favourable to the printing of the evidence; the good sense of the House would be generally found to be in accordance with the majority of the Committee. After the Motion to print the evidence had been negatived by the Committee, another proposition was made to print those portions of the evidence which were not private and confidential. That Motion was agreed to, and three of the Members of the Committee undertook to sever the two portions of the evidence. When those hon. Members had concluded their labours, the hon. Chairman of the Committee and the hon. Member for Montrose stated that it would be contrary to usage if the Committee were to delegate their functions to those hon. Members. They refused to receive their report, and expressed themselves ready to sit and go through the whole of the evidence line by line. Subsequently a resolution was come to, to the effect that it would be impossible to sever the private from the public evidence—that the task was hopeless. The previous Motion of the Committee was accordingly reconsidered, and it was finally decided that as they could not publish the whole of the evidence, it would be better to publish none at all. Such was what he must term the history of the evidence. The Committee then considered that although the evidence could not be laid before the House, it was of importance that the attention of Her Majesty's Government should be called to it. There was nothing criminal in the conduct of the Committee with respect to their deciding upon taking that course, although it had been decided by Mr. Speaker to be informal, and the more regular course was adopted of laying the evidence upon the table of the House, with a view to its being referred to the noble Lord the Secretary for the Colonies. With respect to the evidence itself, he perfectly agreed with what had been stated in the course of the debate—that a great deal of the evidence ought never to have been offered, and when offered not received. Upon the reception, however, of the evidence, it was perfectly well understood that it should not pass beyond the room. The first deviation from the correct mode of proceeding, namely, that of the reception of the evidence, had led the Committee into the whole of its errors, for it was found impossible to separate completely the private from the public evidence, inasmuch as a great portion of the private evidence was explanatory, and referred to that which was public; and if the Committee had struck out the private evidence, they must also have struck out that portion of the public to which it referred. A great portion of the private evidence was mere idle gossip of the worst description, and certainly ought not to be published, until, in consequence of some change in the state of things, it could be done with greater safety; and a change of circumstances must soon inevitably take place, for the evidence showed such a state of social disorganisation in the island as rendered it impossible for things to remain much longer as they were; and he was perfectly ready to admit that individual and private feeling should not be allowed to stand in the way of any beneficial change in the condition of Ceylon. A great deal had been said with respect to the murders and atrocities committed by Lord Torrington. It was not his intention to go into that subject; but the impression made on the minds of the hon. Member for Montrose and an hon. Baronet who was a Member of the Committee, and who took views most hostile to the conduct and administration of Lord Torrington, by the evidence given on the subject of those atrocities, was clearly shown in the two draft reports submitted to the Committee by those hon. Members; and he felt confident, if the evidence were to be judged of by the language now in those reports, there would not have been found three Members of the Committee who would have come to the conclusion that the conduct of Lord Torrington was reprehensible in proclaiming martial law. He hoped, therefore, that the House would adopt the Amendment before it. He admitted that the report of the Committee was a most unsatisfactory one—it was a say-nothing report, and a do-nothing report; but he trusted that no injustice would be done to an absent nobleman by the publication of the evidence.

Mr. HUME stated that in his draft report he had characterised the conduct of Lord Torrington as unnecessary and unjustifiable, and it was purely out of mercy that he had not made use of stronger terms. The great importance of the documents which were kept back was shown by the fact that nothing would have been done to Lord Torrington by the Government, except for that "Ceylon gossip," as it had been called. The Government were only injuring themselves in the course which they had taken in this matter; and one of his (Mr. Hume's) first acts in the next Session would be to bring the whole subject before the House, and he would give notice of his intention to do so before the present Session closed; and, what was more, he would carry out his Motion, and would endeavour by all means in his power to persuade the House to instruct the Attorney General to prosecute Lord Torrington. He would not trouble the House by dividing, but would, with its consent, withdraw his Motion.

Amendment and Motion, by leave, withdrawn.

Ordered—

"That the Minutes of the Evidence taken before the Select Committee on Ceylon, be referred to the Secretary of State for the Colonies, for the consideration of Her Majesty's Government."

The House adjourned at a quarter before Nine o'clock till Wednesday.

HOUSE OF LORDS,

Tuesday, August 13, 1850.

Minutes.] Public Bills.—2ª London Bridge Approaches; Crime and Outrage Act (Ireland) Continuance; Savings Banks (Ireland).
Reported.—General Board of Health (No. 3); Friendly Societies; Spitalfields and Shoreditch New Street; Transfer of Improvement Loans (Ireland); Law Fund Duties (Ireland).
3ª Westminster Temporary Bridge; Portland Harbour and Breakwater; Friendly Societies; Customs; Assizes (Ireland); Stamp Duties (No. 2); Assessed Taxes Composition.

BREACH OF PRIVILEGE—THE LIVERPOOL CORPORATION WATERWORKS BILL.

The Order of the Day being read, for the Attendance of Charles Gream, of 23, Temple-street, Liverpool, and Michael Alexander Gage, at the bar of this House; the Yeoman Usher informed the House, that they were in attendance; they were accordingly called in.

Lord MONTEAGLE detailed the circumstances connected with the subscription of false signatures to this petition, and the steps already taken by the House to punish the subordinate agents in the fraud; the appointment of the Select Committee to investigate into the conduct of the employers of those subordinate agents—to the investigations of that Committee—to the report which it had presented to their Lordships—and to the order of the House that the two persons now at the bar should appear there to give some explanation of their conduct and proceedings. 1,500 names had been appended to the petition, and among them 900 or 1,000 fraudulent signatures had been discovered. At a public meeting called for the purpose of forwarding this petition to their Lordships, it was publicly stated by the framers of it that it was signed by 18,000 ratepayers. A person who attended the meeting observed that this could not be true, and the consequence was, that the concocters of this fraud altered their statement, and alleged that it was signed by 18,000 inhabitants of Liverpool. Having mentioned this fact as a proof that the petition had not been sent up to their Lordships without some premeditation, it was next alleged by the Liverpool Committee that the discovery of the false signatures had not been made until it was too late to alter it. This allegation was incorrect, as the promoters of the Bill had given that Committee notice that the petition was fraudulent. There could be no doubt upon that point, as page after page were in the same handwriting. It had been suggested that this was occasioned by a number of the subscribers being marksmen; but it was impossible to believe that merchants, brokers, and one person who described himself as a "student," could not write their own names. Besides, the placing of a mark before a man's name who had not given authority for it, was as much a forgery as a false signature. As to the evidence taken before the Committee, so far as it applied to the two persons at the bar, it was proven beyond doubt that they had not used due diligence to prevent fraud—which, perhaps, might not be a Parliamentary offence—and next, that they had not only made themselves privy to that fraud, but also responsible for it, by referring the petition so got up to the consideration of a Committee of their Lordships. The Select Committee which had inquired into the whole of this subject was unanimous in their report that measures must be adopted to check such conduct in future. The particular offence which it was incumbent on their Lordships to punish was this—that after it came to the knowledge of these parties that frauds and forgeries had been committed, they had instituted no inquiry respecting them, but on the contrary employed counsel to support the petition so got up, and to defeat the investigation commenced by their Lordships into its merits. He, therefore, proposed, that their Lordships should first of all accede to a resolution, declaring that it appeared from the evidence taken before a Select Committee that C. Gream, Esq., and M. A. Gage, Esq., had caused a petition against the Liverpool Corporation Waterworks Bill to be presented to their Lordships, they well knowing, or having good reason to believe, that numerous fictitious signatures, and the names of persons without their authority, attached to it. He proposed to follow up that resolution, by two others declaring, that each of those individuals by so doing had been guilty of a high breach of their Lordships' privileges.

The LORD CHANCELLOR thought it unnecessary for him to enlarge on the heinous nature of an offence which had deprived petitioners whose interests were affected by the Bill, of the benefit of being heard before their Lordships, as well as the House itself, of the information which was necessary for its guidance. The evidence taken before the Committee, showed that the grossest frauds had been perpetrated in attaching signatures to the petition, the persons employed to procure signatures having signed many hundreds of names of imaginary persons, with imaginary places of residence. The humbler instruments in those frauds had already been called before their Lordships and punished; and now the more important parties were before the House. He regretted to say that, in their case, there was but one conclusion to which he had been able to come from the evidence given before the Committee, namely, that persons whose profession and station in life—a solicitor and an engineer—ought to have afforded protection and assistance to their Lordships in the investigation of the Bill, should unfortunately have forgotten what was due to their own character no less than to the House. Under these circumstances, it was for their Lordships to take such steps as the dignity of the House and the nature of the case required.

Lord BEAUMONT said, the noble Lord (Lord Monteagle) had given a correct history of the proceedings as they were detailed in the evidence; and he was gratified to hear, that in the opinion of the noble and learned Lord upon the woolsack, the report of the Committee was completely borne out by the evidence. He hoped that these proceedings would have an effect beyond the parties now at the bar. Whenever petitioners approached their Lordships' House, they had a right to expect a full consideration of the matter of their petition; but a corresponding duty was imposed upon petitioners, of taking care by every means in their power that the representations which they made were founded in fact, and that the signatures to the petition were genuine. He hoped that this case would be the means of causing petitions presented to that House to be more carefully looked at before being presented; but certainly, if a similar case again occurred, the parties would be severely punished.

The parties were then ordered to withdraw.

First resolution agreed to.

The LORD CHANCELLOR then put resolutions, and it was resolved that Charles Gream and Michael Alexander Gage had been guilty of a high breach of the privileges of the House and contempt of its authority.

LORD CAMPBELL said, that having been absent upon circuit when the proceedings in this case commenced, he was scarcely able to give an opinion upon the circumstances; but it appeared to him that a specific punishment should be meted out, such as would meet the justice of the case. There was every reason to believe that the Session was rapidly drawing to a close; but for so grave an offence, a bare committal allowing the parties to petition tomorrow, and discharging them on expressing their contrition, would hardly be a sufficient punishment. He threw out this suggestion for the consideration of their Lordships; but, of course, they would pursue the course which justice and their own dignity seemed to them most to require.

The LORD CHANCELLOR suggested, that before proceeding to consider the question of punishment, the parties should be called in, to ascertain if they had anything to say.

Then the said Charles Gream and Michael Alexander Gage were again called in, and

The LORD CHANCELLOR informed them that the House had resolved that they had been guilty of a high breach of the privileges of the House; and he demanded of Mr. Gream whether he had any explanation to offer upon the subject of this offence?

Mr. Gream: My Lords, I beg with all respect to your Lordships to claim to be heard by counsel, and to have my witnesses examined upon this, to me, most important subject. I feel that I am perfectly innocent of the charges laid against me, and I claim at your Lordships' hands the privilege of being heard by counsel, and to have my witnesses examined.

The LORD CHANCELLOR: Charles Gream, you have given your evidence before a Committee of this House, and that Committee heard what you had to say. It has also been reported to the House. The House, upon that report, has resolved that you have committed a great breach of its privileges; and you cannot be heard in contravention of the judgment of the House. Whatever you may have to say in extenuation or explanation of the offence of which you have, by the judgment of the House, been found guilty, the House will hear.

Then the parties having been severally heard, were ordered to withdraw.

The LORD CHANCELLOR said, that their Lordships had had two persons at their bar occupying a respectable station in life, who undoubtedly must suffer severely from the circumstances under which they had fallen under their Lordships' displeasure; but their Lordships would have to consider the interference which had taken place with the right of petitioning enjoyed by Her Majesty's subjects, and which had been lost in prosecuting before their Lordships a measure in which they were deeply interested; and they had also considered that their Lordships' authority had been abused to a greater extent than he remembered ever to have heard of before, and that too by persons in a respectable station of life, who appeared competent to judge of the misconduct of the transaction in which they were implicated, and who it appeared were in the course of carrying it into execution, contemplating the probability of the very circumstances which had occurred, for they had cautioned the persons engaged of what the consequence would be, should it come to their Lordships' knowledge that there were fictitious signatures to the petition. When he considered the conduct of those persons to their Lordships, he felt under the painful necessity of coming to the conclusion that the caution to those persons was only as to the mode of doing what they had done so as to avoid detection, and that the direct object in view was that of protecting the persons who were the cause of the misconduct, if the facts should come to their Lordships' knowledge. If their Lordships were to deal out a punishment to these men measured by the magnitude of the offence, and the direspect to their Lordships' authority, they would be bound to go to a greater extent than he thought they would be disposed to go. Their Lordships would therefore have to think by how small a measure of punishment they could make it understood that it was the determination of their Lordships to defend the rights of the people to petition, and to maintain their own dignity and privileges, and yet to be as lenient as their public duty would allow. He also felt strongly that whatever their Lordships' judgment might be, the punishment suffered afterwards by these men would be severely felt. An attorney who had been censured or punished by their Lordships' House must, throughout the whole course of his professional life, suffer a stigma of a very serious description; and the other person, who was an engineer, and who was liable to be brought in the discharge of his professional duties before Committees of either House of Parliament, must also suffer from these circumstances being brought forward to his discredit. They had thus brought themselves within the scope of a punishment heavy and severe, and that relieved their Lordships, to a certain extent, from dealing with them in such a way as otherwise they might have dealt with them; because their Lordships' object was to protect the public, and the public would be protected, inasmuch as the parties would suffer as much from the consequences of their own conduct as by any punishment their Lordships could inflict. He should, therefore, move, that the persons who had appeared at the bar, and whose statement their Lordships had heard, but from which statement he had failed to extract anything advantageous to their case, should be committed to prison for a fortnight for the offence which they had committed.

Motions were then made and agreed to—

"That the Gentleman Usher of the Black Rod do attach the bodies of Charles Gream and Michael Alexander Gage, and afterwards convey them to the Prison of Newgate, there to be kept in safe custody for the space of one fortnight."

RELIGIOUS PERSECUTION IN IRELAND.

The EARL of RODEN, in rising to put the question of which he had given notice on the subject of the alleged religious persecution of certain Protestant ministers and others in Ireland, wished to say that he had lived a long life in the sister kingdom, had communicated with all classes of society, and was, he believed, well acquainted with the interests and opinions of his countrymen, and he felt most interested and anxious upon any subject in which he thought they were particularly concerned. He wished sincerely he could state as his opinion that any amelioration in their condition had taken place during the last few years. But when he looked back to the circumstances of that portion of the empire and reflected upon the awful scenes of blood that had taken place, and were still taking place from month to month in that country, he could have no reason to suppose that any change for the better had taken place in either the moral or social condition of the people. And their Lordships would allow him to say that he did not think any beneficial change could be effected so long as the present system of national education was the only system supported by the Government. He could not but think that the denial of the Holy Scriptures to the people, which formed part of that system, and the refusal of the Legislature year after year to give any portion of the national grant from the public funds to separate scriptural education, must leave the people in that part of the empire in the state of ignorance and misery in which they now were. It was with the view of some measures being taken to prevent the recurrence of such unhappy scenes as had recently taken place, that he claimed the attention of Her Majesty's Government to the facts he was about to mention. Some years ago, in many parts of the south and west of Ireland, large numbers of the Roman Catholic community left the Church of Rome and joined the Church of England. He alluded in the present instance particularly to Dingle in the county of Kerry, and Limerick. About a year ago very serious feelings arose between those two parties, and a tyrannical course was adopted towards, not only the poor people who from conscientious conviction had entered the communion of the Church of England, but towards the Protestant ministers themselves. He would first allude to Kerry. A man of excellent character who had left the Church of Rome had died about a year and a half ago. A gentleman was sent to him—the Rev. Mr. Lewis—who had had nothing whatever to do with the bringing of those persons from the communion of Rome to the communion of the Church of England. This rev. gentleman had in consequence been during the last year subjected to the most tyrannical proceedings, and he would read to their Lordships what those proceedings were, as sworn before the justices. The noble Lord then read extracts from the evidence of Mr. Lewis, in a trial before Chief Justice Blackburne, to the effect that the witness, on his return in the October preceding, had found that the parish priest had died, and that the Roman Catholic bishop had sent over three priests, who had distinguished themselves by their persecutions. Before his arrival they had avowed their intention of giving him a warm reception, and he had been denounced by them. It was sworn in open court a few days ago, by a Roman Catholic policeman, that he had seen a mob of 300 persons pursuing this gentleman like a mad dog, the mob being headed and directed by the friends and relatives of the Roman Catholic priest. On another occasion, they surrounded a house in which he was, yelling all the time, and blowing horns; and so great was the noise which they made, that they drove a man who was in the house, and ill at the time, into a state of lunacy. These parties were bound over to keep the peace, but the very next day the same offence was repeated. For three nights in succession mobs assembled round the church for the avowed purpose of disturbing the performance of divine worship. On the third evening this gentleman was obliged to discontinue his sermon, and to call upon the police to take into custody those persons who interrupted the performance of divine worship. The substance of these statements had been sworn to by this gentleman, who could not walk from one house to another without being followed by crowds of people hooting. When he heard of this in Dublin, he thought that it might be an overstatement, and he, therefore, took the opportunity of sending down a friend of his to Dingle, to ascertain whether the facts were as this gentleman had represented them to be. This friend of his wrote to say, that on going into the street with Mr. Lewis, the mob commenced hooting and groaning and assailing him with the most currilous epithets, making all the time such a noise that they could hardly hear one another speak. During the whole scene the police walked behind, outside of the mob, without the slightest attempt at interference. He added, that to this state of things Mr. Lewis was daily subjected. The only offence which this gentleman had committed was that he was a minister of the Protestant Church, for he could refer to the opinion of two eminent lawyers in Ireland to show that Mr. Lewis was as remarkable for his Christian moderation as for his prudence and meekness. But he would continue his narrative. During the month of April or March last, while this gentleman was performing divine service at his church one Sunday, a great disturbance was made outside, and he sent out a policeman to arrest any person who was found to be active in the disturbance; and two persons were actually arrested, and were tried on the 16th of July, at Tralee, before Chief Justice Blackburne. They were indicted for a conspiracy, were found guilty, and were sentenced to be imprisoned for six calendar months, the Chief Justice observing, in passing sentence, that the crime of which they had been convicted was a very serious one, and that the punishment to which they had made themselves liable would have been more severe if they had not been indicted for the minor offence of conspiracy. The Chief Justice added, that if the rev. gentleman had chosen to indict them for a disturbance of public worship, they might have been transported. There was another case to which he would refer. At Croom there was not a church in the parish where divine service could be celebrated, and therefore it was obliged to be performed in a private house. A riotous mob made a continual disturbance by yelling and hooting, and the incumbent's curate was assailed with stones. A letter was addressed on the subject to the Lord Lieutenant on the 24th of June, and the reply stated that instructions had been given to the police to arrest all parties offending against the law; and that if the magistrates saw any difficulty in dealing with the case, they would be fully advised how to act upon sending a statement of facts. Since that time, however, no petty sessions had been held, and no steps had been taken to put a stop to this disgraceful persecution. This was a state of things which deserved and called for serious investigation and consideration. One of the greatest privileges of this country was that a man might profess what religion he pleased; and it was shameful that there should be any portion of the realm in which a man was not allowed to worship God according to his conscience. He had, therefore, felt it his duty to call the attention of Her Majesty's Government to this state of things; and if the Government were to send down some stipendiary magistrate to the neighbourhood of Dingle, he thought it would have a good effect. The question which he had to put was, whether the Government was aware of the persecution which had been carried on against the Rev. Mr. Lewis—whether any information had been received from the local authorities themselves—and whether any measures were to be taken to preserve the public peace, and to ensure for Mr. Lewis's congregation the enjoyment of that religious liberty to which they were entitled? He also wished to ask, whether the Government would lay on the table such communications as they had received on the subject? He begged pardon of their Lordships for taking up so much of their time; but the matter was of so much importance in his estimation, that he could not forbear from adverting to it.

The Marquess of LANSDOWNE perfectly appreciated the motives which had induced the noble Earl to put the questions which he had proposed, and to make the statement which he had thought it necessary to lay before their Lordships. It was a very serious thing that religious dissension should subsist between any portion of Her Majesty's subjects, especially when it led to a state of irritation pervading society from the highest to the lowest. There was nothing that either Her Majesty's Government or the Lord Lieutenant could do which they were not prepared to do to prevent proceedings such as those which the noble Earl had described. But the origin of these unfortunate disputes was owing to some persons who, actuated no doubt by very great zeal, and by purely conscientious motives, gave a tone to their addresses which was called in Scotland an "aggressive" character, and had stimulated discussion on religious subjects among a population the majority of whom were hostile to the communion of the Church of England. The conduct of the persons thus employed had been, in some instances, most indiscreet, though he did not mean to say that it was such as to justify the acts of violence which had been committed, or the annoyance to which they had been exposed. When, however, these annoyances, unjustifiable as they might be, did not extend to positive acts of violence, it became almost impossible to put a stop to the expression of feeling, pervading as it did the whole body of the population. He much regretted that such annoyances had been experienced, and he regretted also to add that they had been experienced not only in those places to which the noble Earl had adverted, but also in many other parts of Ireland. It had been alleged, he knew not with what proof, that in some places a system of proselytism had been carried on, in some instances, by what the inhabitants of the district regarded in the light of bribery, which was certainly highly calculated to excite irritation among the people. He had said, however, that he did not rise to justify in any degree the proceedings which had taken place. He could assure the noble Lord that every effort had been made by the Government to put a stop to them that circumstances would permit; and if there had been the slightest reluctance on the part of the police to arrest individuals, that reluctance had arisen from their fear of the excitement which the apprehension of a great number of persons would occasion. Her Majesty's Government and the Lord Lieutenant had uniformly discountenanced any annoyance or persecution being offered to any person of any religious persuasion in the performance of his religious duties. The extract which the noble Earl had read from the letter of the Lord Lieutenant, showed that instructions had been given to the police to arrest all persons found offending against the law, and that if the magistrates found any difficulty in dealing with the case, they would be fully advised upon sending up a statement of the facts. As far as the sentence of the court went, two persons had been already punished for making a disturbance at a place of divine worship; but it was not to be expected that it would have the effect of quelling the animosities which prevailed, and which could only be allayed in the end by great forbearance. In the meantime the magistrates of the county would, of course, be bound to administer justice in every case that came before them. He had no doubt the gentleman to whom the noble Earl had alluded was of an irreproachable character; but he had been informed that the employment of persons who were of immoral character to make proselytes, had greatly tended to increase the irritation which prevailed. He would only say that if the noble Earl was disposed to move for extracts from the reports which had been received from the police, and from the instructions given by the Government, he should have no objection to produce them.

The Earl of RODEN acquiesced in the suggestion, and moved—

> "That there be laid before this House, any Extracts from the Reports of the Proceedings of the Police respecting the Annoyances against the Reverend Mr. Lewis at Dingle"

After a short debate on Question, agreed to, and ordered accordingly.

Lord REDESDALE observed, that both the police and the magistrates in Ireland acted in a very different manner to what was done by the same individuals in

England. They seemed to think that they must nurse a disturbance and never interfere till matters took really a serious turn. He would answer for it that if the Government would make it generally known, that parties engaged in these disturbances would certainly be arrested and punished, they would hear but little more of these proceedings.

The BISHOP of CHICHESTER begged to ask the noble and learned Lord on the woolsack, whether an individual concerned in such proceedings as these, was not guilty of a misdemeanour?

The LORD CHANCELLOR did not precisely understand the exact nature of the question which the right rev. Prelate wished to have answered. If he referred to persons associated with others in hooting down a minister, they would be guilty of a misdemeanour, but that would not be the case if a man was standing by, and as the crowd came up, hissed and hooted like the rest of them.

The BISHOP of CHICHESTER said, that the noble and learned Lord had given the answer which he expected, namely, that the persons who had been concerned in these proceedings were guilty of a misdemeanour. If the Government would give proper instructions to the magistrates of Ireland, to afford protection to persons following their lawful avocations, there would soon be an end put to disorders of this kind.

The EARL of RODEN fully concurred in the opinion expressed by the noble Marquess opposite, as to the advantage of the display of a spirit of forbearance on the part of ministers of religion in Ireland, and believed that great forbearance had been shown by the rev. gentleman to whom his question had referred.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF LORDS,

Wednesday, August 14, 1850.

MINUTES.] PUBLIC BILLS.—3ª Spitalfields and Shoreditch New Street; Transfer of Improvement Loans (Ireland); Law Fund Duties (Ireland); Savings Banks (Ireland); General Board of Health (No. 3) Consolidated Fund Appropriation.

Royal Assent.—Duke of Cambridge's Annuity; Marlborough House; County Court Extension; Navy Pay; Borough Bridges; Public Libraries and Museums; Elections (Ireland); Parliamentary Voters (Ireland); Equivalent Company's Annuity Redemption; Canterbury Settlement Lands; Registration of Deeds (Ireland); Excise Sugar and Licences; Commons Inclosure (No. 2); Borough Courts of Record (Ireland); Deanery of St. Burian Division; Sheep and Cattle Contagious Disorders Prevention Continuance; Court of Chancery (Ireland); Fees (Court of Common Pleas) (No. 2); Manchester Bonding (Amendment of Act); Turnpike Acts Continuance, &c. (No. 2); Fisheries; Grand Jury Cess (Ireland); General Board of Health (No. 2); Municipal Corporations (Ireland) (No. 2); Cruelty to Animals (Scotland); National Gallery (Edinburgh); Mercantile Marine (No. 2); Registrar of Judgments Office (Ireland); Engines for taking Fish (Ireland); Ecclesiastical Commission; Railways Abandonment; Benefices in Plurality; Small Tenements Rating; Inspection of Coal Mines; Borough Gaols; Police Superannuation Fund; Summary Jurisdiction (Ireland); Poor Relief; London Bridge Approaches Fund; Crime and Outrage Act (Ireland) Continuance; Customs; Assizes (Ireland); Stamp Duties (No. 2); Assessed Taxes Composition; Union of Liberties with Counties; Law of Copyright of Design Amendment; Westminster Temporary Bridge.

POST OFFICE REGULATIONS.

LORD CAMPBELL referred to the report of the Commission appointed to inquire into the operation of the regulations lately adopted for putting a stop to Sunday labour in the Post Office, which had just been laid on their Lordships' table. This report, he believed, would go a considerable way to remove the evils which had been sensibly felt for some weeks past, in the interruption of the correspondence of the country. He would not dwell on the social evils which had been experienced; but he must beg leave, as one of the Judges of the land, to state his conviction that the late regulation had a tendency, with respect to the administration of criminal justice, to obstruct works of necessity and mercy. Whilst the assizes were going forward, it was often of the greatest importance that communications should be made to the Judges with respect to cases that were coming on for trial, and with respect to cases which had been tried. Under the system lately established, all communications of that sort were for four-and-twenty hours completely cut off. He would only add, that on one occasion he himself, and his learned brother, Mr. Justice Williams, thinking that the postmaster might be authorised to make a dispensation from the strictness of the new regulations in favour of Her Majesty's Judges, applied for their letters at the post-office; but the postmaster refused to make any exception, stating that he had positive orders to deliver none whatever. He (Lord

Campbell) honoured that functionary for his strict obedience to the commands he had received; but a danger arose in consequence, that prisoners coming on for trial might have been deprived of evidence that might have been material for them, and prisoners who had been condemned might have been cut off from receiving the mercy to which their cases entitled them. He rejoiced exceedingly that the late regulations, which he did not hesitate to express his belief had a direct tendency to lead to the desecration of the Sabbath, would now be at an end. There was no one who was more in favour of a strict religious observance of Sunday than himself; but this would be much more effectually promoted by the new regulations which he understood the Government was about to make.

Lord MONTEAGLE expressed his entire concurrence in the opinion of his noble and learned Friend, as to the hardship produced by the lately framed regulations, especially to the poorer classes.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, August 14, 1850.

Minutes.] Public Bill.—1ª Poor Relief (Ireland).

POST OFFICE REGULATIONS.

Mr. THORNELY wished to know whether the report of the Committee appointed to consider this subject had been completed, when it would be presented to the House, and whether and when any change back to the old practice would take place?

Mr. LABOUCHERE, in reply, said, that the report had been already completed, and delivered in to the Treasury, by whom it had been laid upon the table of the House, where it now was. It was not in his power to say what steps the Treasury might take on the subject, and it would hardly be right for the Treasury to pledge themselves to any ulterior course until they had first duly considered the subject. The report was already printed, and any hon. Gentleman could refer to it.

NEW MODE OF REFINING SUGAR.

Mr. THORNELY wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether the attention of the Government had been called to the new mode of refining sugar? His object in asking the question was to ascertain whether any deleterious substances were introduced either into sugar or molasses.

The CHANCELLOR of the EXCHEQUER replied, that it was quite true that the attention of the Government was some time ago called to this question, which was a matter in which the health of Her Majesty's subjects was concerned. A new process was discovered some time ago, and there was reason to suppose that a certain quantity of lead might remain in the sugar, and cause deleterious effects. He thought it his duty to make inquiry some months ago, and a report was made by some experienced chemists. An analysis of the sugar refined by two refiners was made, and the report of the chemists was submitted to two medical gentlemen, who presented a report to the Board of Inland Revenue. It did not appear that any deleterious matter remained in the sugar, but there was reason to believe that a quantity of lead remained in the treacle to such an extent as if taken in great quantities would prove prejudicial. He thought it his duty to submit these reports to the party who had invented this mode of refining sugar, and he offered to abide by the best test that could be offered—namely, that he and his family would eat any quantity of the treacle. He (the Chancellor of the Exchequer) thought it right that the public should be in possession of the reports on the one hand, and of this statement on the other. He held them in his hand, and perhaps the best way would be to move that they be laid on the table of the House, and then they would be printed, and the public would have the opportunity of forming its own opinion.

FOREIGN TARIFFS.

Mr. NEWDEGATE said, in 1847 he moved for a return which was to explain to that House and the country the changes that were taking place in foreign tariffs, and this Session he moved for a continuance of that return, which he had now before him, but he found that it was extremely inaccurate. The information was supplied by the Consuls of this country abroad; and he had fancied that it would have filled up a great gap in the information which had been hitherto supplied to this House. Until he moved for the return in 1847, that House was entirely without information as to the duties levied by foreign countries, und the differential duties levied on the commodities of this country. But the return was very inaccurate. For instance, no notice whatever had been taken of important changes in the tariffs of Belgium, Denmark, and Russia. He wished to give the right hon. Gentleman at the head of the Board of Trade an opportunity for offering any explanations which he might have to lay before the House; and he would also ask him, whether the Government would consent to the production of copies of the tariffs of all foreign nations, they being documents which at present it was next to impossible to procure, and whether he would agree to a Motion that the tariffs should be printed?

MR. LABOUCHERE said, he entirely concurred in the object of the hon. Gentleman, namely, that it was most desirable this House and the country should have as complete and accurate information as possible on the subject of foreign tariffs, and the changes which from time to time were made in them. The return to which the hon. Member had referred was moved for early in the Session, and the Board of Trade immediately requested the Foreign Office to address a circular to British Ministers and Consuls abroad, asking them to obtain such information as was necessary to complete the return. He (Mr. Labouchere) had laid upon the table as it arrived the informatoin which had been transmitted to the Board of Trade. The board could be responsible for the accuracy of that information only to this extent, that it was derived from the best sources to which they had access—through the medium of British Ministers and Consuls abroad. He was, of course, unable to compare the documents transmitted to him with the existing foreign tariffs; and therefore he could not say that inaccuracies might not have occurred in the return. The Board of Trade had, however, done more than this; for, in the course of the Session, the Foreign Secretary had, at their request, written to British Ministers and Consuls abroad, directing them to obtain copies of all existing foreign tariffs, and to communicate to Her Majesty's Government all alterations that might at any time be made in those tariffs. The Colonial Secretary had also undertaken to obtain similar information with regard to the tariffs of our own colonies. The hon. Gentleman had asked whether he (Mr. Labouchere) would consent to a Motion that the foreign tariffs, as they were received by the Government, should at once be printed and submitted to the House. He must request the hon. Gentleman not to make a Motion of that kind at present, but to leave the matter in his hands, and he could assure the hon. Member he would not lose sight of it. He (Mr. Labouchere) was not quite sure that it would be desirable to lay the tariffs themselves upon the table. Many of them were very bulky documents. The tariffs of France and Spain, for instance, formed large volumes, and their printing would be attended with considerable expense. He would, however, consider what was the most convenient form in which the information could be presented to the House.

MR. NEWDEGATE was obliged to the right hon. Gentleman for having so far acceded to his request as to obtain copies of foreign tariffs. He did not wish to have those documents translated, but he hoped free access would be allowed to them.

Subject dropped.

The House adjourned at half-after Three o'clock.

HOUSE OF LORDS,

Thursday, August 15, 1850.

MINUTES.] *Royal Assent.* — Consolidated Fund Appropriation; Friendly Societies; Portland Harbour and Breakwater; Spitalfields and Shoreditch New Street; Transfer of Improvement Loans (Ireland); Law Fund Duties (Ireland); Savings Banks (Ireland); General Board of Health (No. 3).

PROROGATION OF THE PARLIAMENT.

This day being appointed for the Prorogation of the Parliament by THE QUEEN in Person, HER MAJESTY entered the House soon after Two o'clock, accompanied by the Prince Albert, and attended by the Great Officers of State.

The QUEEN being seated on the Throne, and the Commons (who were sent for) being come, with their Speaker,

MR. SPEAKER made the following Speech to HER MAJESTY:

"MOST GRACIOUS SOVEREIGN,

"We, your Majesty's dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, attend your Majesty with our concluding Bill of Supply.

"In obedience to your Majesty's gracious recommendation, signified in the Speech of the Lords Commissioners at the commencement of the Session, we at once addressed ourselves to the consideration of a Bill for the better Government of the Australian colonies; and, in furtherance of this important object, we have invested the Colonial Legislatures with such powers as will enable them to establish (subject to the approval of your Majesty) those forms of representative Government which may be best adapted to their wants and circumstances. We confidently look forward to the gradual development of the vast resources of those distant portions of the empire, and to their increasing attachment to this country and its institutions, as the happy and beneficial result of this measure.

"We have made a considerable advance in sanitary improvement, by prohibiting interments in the metropolis, and by giving the sanction of law in certain districts to those regulations which past experience has proved to be protective of the public health.

"Aware of the growing competition to which our Merchant Navy is exposed in consequence of the recent alterations in the Navigation Laws, we have devoted much time and attention to those supplementary measures which have become necessary to give greater efficiency to our mercantile marine. A Bill in connexion with this subject has lately received your Majesty's assent, by which we have endeavoured to elevate the character of the commanders of merchant vessels, to enforce a better discipline amongst their crews, and at the same time to promote the general comfort and welfare of British seamen.

"The state of the Parliamentary Franchise in Ireland, the extraordinary diminution in the number of electors, and the defects in the existing system of registration in that country, have received from us, as they deserved, the most careful and patient consideration. By the remedies we have provided for these acknowledged evils, we hope to have secured to the people of Ireland an electoral body sufficiently numerous and independent for the due and faithful discharge of the important trust of returning representatives to the Parliament of the United Kingdom.

"These are the most prominent measures of the present Session, and it would be tedious to enumerate various others of minor importance, but of great practical utility, to which our attention has been equally directed.

"It has been our pleasing duty to reduce the amount of taxation, whilst carefully providing the Supplies requisite for the public service, and for the support of the honour and dignity of the Crown; and we have been sustained during a Session of almost unexampled labour by a feeling of unfeigned loyalty and attachment to your Majesty, by an earnest desire to uphold and improve the institutions of the country, and to maintain, under the blessing of Providence, the increasing prosperity of the people.

"We have now to crave your Majesty's most Gracious Assent to our last Bill of the Session, which is to apply and appropriate the Consolidated Fund."

Mr. Speaker delivered the Money Bill to the clerk.

The Royal Assent having been then given to several Bills,

HER MAJESTY was then pleased to make a most Gracious Speech to both Houses of Parliament, as follows:—

"My Lords, and Gentlemen,

"I Have the Satisfaction of being able to release you from the Duties of a laborious Session.

"The Assiduity and Care with which you have applied yourselves to the Business which required your Attention merit My cordial Approbation.

"The Act for the better Government of my *Australian* Colonies will, I trust, improve the Condition of those rising Communities. It will always be gratifying to Me to be able to extend the Advantages of Representative Institutions, which form the Glory and Happiness of My People, to Colonies inhabited by Men who are capable of exercising with Benefit to themselves the Privileges of Freedom.

" It has afforded Me great Satisfaction to give My Assent to the Act which you have passed for the Improvement of the Merchant Naval Service of this Country; it is, I trust, calculated to promote the Welfare of every Class connected with this essential Branch of the National Interest.

" The Act for the gradual Discontinuance of Interments within the Limits of the Metropolis is in conformity with those enlightened Views which have for their Object the Improvement of the Public Health. I shall watch with Interest the Progress of Measures relating to this important Subject.

" I have given my cordial Assent to the Act for the Extension of the Elective Franchise in *Ireland*. I look to the most beneficial Consequences from a Measure which has been framed with a view to give to My people in *Ireland* a fair Participation in the Benefits of our Representative System.

" I have observed with the greatest Interest and Satisfaction the Measures which have been adopted with a view to the Improvement of the Administration of Justice in various Departments, and I confidently anticipate they will be productive of much public Convenience and Advantage.

" *Gentlemen of the House of Commons,*

" The Improvement of the Revenue, and the large Reductions which have been made in various Branches of Expenditure, have tended to give to our Financial Condition Stability and Security. I am happy to find that you have been enabled to relieve My Subjects from some of the Burthens of Taxation, without impairing the Sufficiency of our Resources to meet the Charges imposed upon them.

" *My Lords, and Gentlemen,*

" I am encouraged to hope that the Treaty between *Germany* and *Denmark*, which has been concluded at *Berlin* under my Mediation, may lead at no distant Period to the Restoration of Peace in the North of *Europe*. No Endeavour shall be wanting on My Part to secure the Attainment of this great Blessing.

" I continue to maintain the most friendly Relations with Foreign Powers, and I trust that nothing may occur to disturb the general Peace.

" I have every Reason to be thankful for the Loyalty and Attachment of My People; and, while I am studious to preserve and to improve our Institutions, I rely upon the Goodness of Almighty God to favour my Efforts, and to guide the Destinies of this Nation."

Then the LORD CHANCELLOR, by Her Majesty's Command, said—

" *My Lords and Gentlemen,*

" It is Her Majesty's Royal Will and Pleasure that this Parliament be prorogued to Tuesday, the 15th day of October next, to be then here holden; and this Parliament is accordingly prorogued till Tuesday, the 15th day of October next."

Her Majesty and Prince Albert, attended by the Officers of State, as before, then retired, and the rest of the Assembly immediately dispersed.

HOUSE OF COMMONS,

Thursday, August 15, 1850.

Minutes.] Public Bill.—1ª Securities (Ireland) Act Amendment.

POST OFFICE REGULATIONS.

In answer to Mr. Pinney,

Mr. LABOUCHERE said, all that had taken place on this subject was, that the Commissioners appointed to consider the question, in conformity with the Address of the House, had presented their report, which was now on the table of the House. He could not enter into the details of that report further than that its general tenour was, that the regulation for the entire suspension of the delivery and transmission of mails on Sundays should be repealed, and that they should revert to the transmission and delivery of letters on Sundays, accompanied with such regulations as they hoped would afford to the persons employed in the Post Office such rest on the Sunday as was consistent with a due regard to the paramount interests of society at large. That was the general purport of the report. The Treasury had not yet had time to consider it. At the same time, he believed that the Treasury would be satisfied with the report, and carry the recommendations of the Committee into effect.

PROROGATION OF THE PARLIAMENT.

Message to attend Her Majesty: the House went, and the Royal Assent was given to several Bills.

After which Her Majesty was pleased to make a most gracious Speech from the Throne to both Houses of Parliament.

The House then separated at twenty minutes to Three o'clock.

TABLE OF STATUTES.

A TABLE OF ALL THE STATUTES

Passed in the THIRD Session of the FIFTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland.*

13° & 14° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to amend an Act of the last Session, for making Provision for the Collection of County Cess in *Ireland*, and for the Remuneration of the Collectors thereof.

II. An Act to restrain Party Processions in *Ireland.*

III. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty.

IV. An Act for requiring the Transmission of annual Abstracts of Accounts and Statements of Trustees or Commissioners of Turnpike Roads and Bridges in *Ireland* to the Lord Lieutenant to be laid before Parliament.

V. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

VI. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

VII. An Act for consolidating the Office of the Registrar of Metropolitan Public Carriages with the Office of Commissioners of Police of the Metropolis, and making other Provisions in regard to the Consolidated Offices.

VIII. An Act to authorize the Inclosure of certain Lands in pursuance of the Fifth Annual General Report of the Inclosure Commissioners for *England* and *Wales*, and to confirm the Proceedings in the Matter of the Common Wood Inclosure.

IX. An Act to repeal the Duties and Drawbacks of Excise on Bricks.

X. An Act for raising the Sum of Nine millions two hundred thousand Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty.

XI. An Act to make better Provision for the Contributions of Unions and Parishes in School Districts to the common Funds of the respective Districts.

XII. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Pur. poses respectively.

XIII. An Act to render more simple and effectual the Titles by which Congregations or Societies associated for Purposes of Religious Worship or Education in *Scotland* hold Real Property required for such Purposes.

XIV. An Act to authorize a further Advance of Money to certain distressed Poor Law Unions, and to make Provision for the Repayment of Advances made and authorized to be made to Poor Law Unions and other Districts in *Ireland.*

XV. An Act to authorize the Establishment of Courts of Appeal for certain of Her Majesty's *West India* Colonies.

XVI. An Act to enable the Judges of the Courts of Common Law at *Westminster* to alter the Forms of Pleading.

XVII. An Act to amend an Act of the last Session of Parliament for granting Relief against Defects in Leases made under Powers of Leasing.

XVIII. An Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland.*

XIX. An Act to explain and amend an Act for the Regulation of Process and Practice in the Superior Courts of Common Law in *Ireland.*

XX. An Act to amend an Act of the Fifth and Sixth Years of Her present Majesty, for the Appointment and Payment of Parish Constables.

XXI. An Act for shortening the Language used in Acts of Parliament.

XXII. An Act for raising the Sum of Eight millions five hundred fifty-eight thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty.

XXIII. An Act to repeal an Exception in an Act of the Twenty-seventh Year of King *Henry* the Sixth concerning the Days whereon Fairs and Markets ought not to be kept.

XXIV. An Act to enable the Commissioners of *Greenwich* Hospital to improve the said Hospital, and also to enlarge and improve the *Billingsgate Dock*, and widen *Billingsgate Street*, in *Greenwich ;* and for other Purposes.

XXV. An Act to enable Queen's Counsel and others, not being of the Degree of the Coif, to act as Judges of Assize.

XXVI. An Act to repeal an Act of the Sixth Year of King *George* the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels; and to make other Provisions in lieu thereof.

XXVII. An Act to provide for the Commencement of an Act of the present Session, intituled *An Act to repeal an Act of the Sixth Year of King* George *the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels, and to make other Provisions in lieu thereof.*

XXVIII. An Act to render more simple and effectual the Titles by which Congregations or Societies for Purposes of Religious Worship or Education in *England* and *Ireland* hold Property for such Purposes.

XXIX. An Act to amend the Laws concerning Judgments in *Ireland.*

XXX. An Act to provide for the Appointment of Sheriff of the County of *Westmoreland.*

XXXI. An Act to authorize further Advances of Money for Drainage and the Improvement o Landed Property in the United Kingdom, and to amend the Acts relating to such Advances.

XXXII. An Act for confirming certain Provisional Orders of the General Board of Health.

XXXIII. An Act to make more effectual Provision for regulating the Police of Towns and populous Places in *Scotland,* and for paving, draining, cleansing, lighting, and improving the same.

XXXIV. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland.*

XXXV. An Act to diminish the Delay and Expense of Proceedings in the High Court of Chancery in *England.*

XXXVI. An Act to facilitate Procedure in the Court of Session in *Scotland.*

XXXVII. An Act for the further Extension of Summary Jurisdiction in Cases of Larceny.

XXXVIII. An Act to render valid certain Marriages solemnized in the new Church at *Upton cum Chalvey* in the County of *Buckingham* and Diocese of *Oxford.*

XXXIX. An Act for the better Government of Convict Prisons.

XL. An Act to regulate the Disposition of the Naval Prize Balance.

XLI. An Act to authorize the Division of the Parish of *Manchester* into several Parishes, and for the Application of the Revenues of the Collegiate and Parish Church, and for other Purposes.

XLII. An Act to confirm the Incorporation of certain Boroughs, and to provide for the Payment of the Expenses of the Incorporation of new Boroughs.

XLIII. An Act to Amend the Practice and Proceedings of the Court of Chancery of the County Palatine of *Lancaster.*

XLIV. An Act for taking an Account of the Population of *Ireland.*

XLV. An Act to continue an Act to amend the Laws relating to Loan Societies.

XLVI. An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom.

XLVII. An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England.*

XLVIII. An Act to continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland.*

XLIX. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain and Ireland ;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

L. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

LI. An Act for the Transfer of the Equitable Jurisdiction of the Court of Exchequer to the Court of Chancery in *Ireland.*

LII. An Act to make better Provision for the Interment of the Dead in and near the Metropolis.

LIII. An Act for taking Account of the Population of *Great Britain.*

LIV. An Act to amend the Acts relating to Labour in Factories.

LV. An Act to amend an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin.*

LVI. An Act to continue the Act for exempting certain Bills of Exchange and Promissory Notes from the Operation of the Usury Laws.

LVII. An Act to prevent the holding of Vestry or other Meetings in Churches, and for regulating the Appointment of Vestry Clerks.

LVIII. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.

LIX. An Act for the better Government of Her Majesty's *Australian* Colonies.

LX. An Act to consolidate and amend the Laws relating to the Conveyance and Transfer of Real and Personal Property vested in Mortgagees and Trustees.

LXI. An Act to extend the Act for the more easy Recovery of Small Debts and Demands in *England,* and to amend the same.

LXII. An Act to alter and extend an Act passed in the Eleventh Year of King *George* the Fourth, for amending and consolidating the Laws relating to the Pay of the Royal Navy.

LXIII. An Act to provide for the Redemption of an Annuity of Ten thousand Pounds payable to the "Equivalent Company."

LXIV. An Act to provide for more effectually maintaining, repairing, improving, and rebuilding Bridges in Cities and Boroughs.

LXV. An Act for enabling Town Councils to establish Public Libraries and Museums.

LXVI. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales.*

LXVII. An Act to reduce the Duty of Excise on Sugar manufactured in the United Kingdom, and to impose a countervailing Duty on Sugar used in the brewing of Beer for Sale; and also to amend the Laws relating to the Licences granted to Brewers and Distillers.

LXVIII. An Act to shorten the Duration of Elections in *Ireland,* and for establishing additional Places for taking the Poll thereat.

LXIX. An Act to amend the Laws which regulate the Qualification and Registration of Parliamentary Voters in *Ireland,* and to alter the Law for rating Immediate Lessors of Premises to the Poor Rate in certain Boroughs.

LXX. An Act empowering the *Canterbury* Association to dispose of certain Lands in *New Zealand.*

LXXI. An Act to continue an Act of the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to prevent, until the First Day of* September *One thousand eight hundred and fifty, and to the End of the then Session of Parliament, the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.*

LXXII. An Act to amend the Laws for the Registration of Assurances of Lands in *Ireland.*

LXXIII. An Act to amend the Law relating to Proceedings by Process of Attachment of Goods in the Borough and other Courts of Record in *Ireland.*

LXXIV. An Act for the better Regulation of the Office of Registrar of Judgments in *Ireland.*

LXXV. An Act to regulate the Receipt and Amount of Fees receivable by certain Officers in the Court of Common Pleas.

LXXVI. An Act to provide for the Division of the Deanery of *Saint Burian* into Three Rectories, and for abolishing the Royal Peculiar of *Saint Burian.*

LXXVII. An Act to enable Her Majesty to make a suitable Provision for His Royal Highness the Duke of *Cambridge,* and also for Her Royal Highness, the Princess *Mary* of *Cambridge.*

LXXVIII. An Act to enable Her Majesty to make Provision for the Residence of His Royal Highness *Albert Edward* Prince of *Wales* in *Marlborough House* during the joint Lives of Her Majesty and His Royal Highness.

LXXIX. An Act to continue certain Turnpike Acts in *Great Britain,* and to make further Provisions respecting Turnpike Roads in *England.*

LXXX. An Act to repeal Part of an Act of the Fifteenth Year of King *George* the Third, for the Encouragement of the Fisheries carried on from *Great Britain, Ireland,* and the *British* Dominions in *Europe,* and for securing the Return of the Fishermen, Sailors, and others employed in the said Fisheries to the Ports thereof at the End of the Fishing Season.

LXXXI. An Act to explain an Act of the last Session for amending an Act for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Dublin.*

LXXXII. An Act to extend the Remedies for the Collection of Grand Jury Cess in *Ireland.*

LXXXIII. An Act to facilitate the Abandonment of Railways, and the Dissolution of Railway Companies, in certain Cases.

LXXXIV. An Act to enable the Council of the Borough of *Manchester* to determine their Liability to defray the Expenses of Customs in respect of Goods warehoused in the said Borough, and to authorise the Commissioners of Her Majesty's Treasury to direct the Discontinuance of the further warehousing of Goods in such Warehouses without Payment of Duty.

LXXXV. An Act to provide for holding the Assizes of certain Counties of Cities and Towns in *Ireland* in the Assize Towns of the adjoining Counties at large in certain Cases; and to make Provision as to Gaols in case of the Change of Assize Towns.

LXXXVI. An Act for the Erection on the Earthen Mound in the City of *Edinburgh* of Buildings for a National Gallery, and other Purposes connected therewith and with the Promotion of the Fine Arts in *Scotland.*

LXXXVII. An Act for Payment of a Moiety of certain Penalties towards Police Superannuation Funds.

LXXXVIII. An Act to amend the Law relating to Engines used in the Rivers and on the Sea Coasts of *Ireland* for the taking of Fish.

LXXXIX. An Act to regulate the Proceedings in the High Court of Chancery in *Ireland.*

XC. An Act to confirm certain Provisional Orders of the General Board of Health, and for certain other Purposes in relation to the Public Health Act, 1848.

XCI. An Act to authorize Justices of any Borough having a separate Gaol to commit Assize Prisoners to such Gaol, and to extend the Jurisdiction of Borough Justices to all Offences and Matters arising within the Borough for which they act.

XCII. An Act for the more effectual Prevention of Cruelty to Animals in *Scotland.*

XCIII. An Act for improving the Condition of Masters, Mates, and Seamen, and maintaining Discipline in the Merchant Service.

PUBLIC GENERAL ACTS.

XCIV. An Act to Amend the Acts relating to the Ecclesiastical Commissioners for *England*.

XCV. An Act to amend the Laws relating to the Customs.

XCVI. An Act to continue and amend the Acts for authorizing a Composition for Assessed Taxes.

XCVII. An Act to repeal certain Stamp Duties, and to grant others in lieu thereof; and to amend the Laws relating to the Stamp Duties.

XCVIII. An Act to amend the Law relating to the holding of Benefices in Plurality.

XCIX. An Act for the better assessing and collecting the Poor Rates and Highway Rates in respect of Small Tenements.

C. An Act for Inspection of Coal Mines in *Great Britain*.

CI. An Act to continue Two Acts passed in the Twelfth and Thirteenth Years of the Reign of Her Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

CII. An Act to consolidate and amend the Acts relating to certain Offences and other Matters as to which Justices of the Peace exercise a summary Jurisdiction in *Ireland*.

CIII. An Act to authorize further Charges on "The *London Bridge* Approaches Fund" for the Completion of certain Improvements in the Metropolis.

CIV. An Act to extend and amend the Acts relating to the Copyright of Designs.

CV. An Act for facilitating the Union of Liberties with the Counties in which they are situate.

CVI. An Act to continue, for a Time to be limited, an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland*.

CVII. An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and fifty; and to appropriate the Supplies granted in this Session of Parliament.

CVIII. An Act for confirming certain further Provisional Orders of the General Board of Health.

CIX. An Act to enlarge and extend the Powers of an Act of the Ninth and Tenth Years of Her present Majesty, intituled *An Act to enable the Commissioners of Her Majesty*'s *Woods to construct a new Street from* Spitalfields *to* Shoreditch.

CX. An Act to continue the Act for amending the Laws relating to Savings Banks in *Ireland*.

CXI. An Act to relieve the *Chester and Holyhead* Railway Company from contributing towards the Expense of the proposed new Harbour at *Holyhead*, and to take away the Powers of the said Company in relation to such Harbour.

CXII. An Act to vest in the Commissioners of Public Works in *Ireland* certain Works and Rights of the *Lough Corrib* Improvement Company, and to compensate such Company for the same.

CXIII. An Act to authorize the Transfer of Loans for the Improvement of Land in *Ireland* to other Land.

CXIV. An Act to repeal the Stamp Duties on Proceedings in the Courts of Law in *Ireland*, and to grant certain other Stamp Duties in lieu thereof.

CXV. An Act to consolidate and amend the Laws relating to Friendly Societies.

CXVI. An Act to amend an Act passed in the Tenth Year of Her present Majesty's Reign, for empowering the Commissioners of Her Majesty's Woods to purchase Land for a Harbour of Refuge and Breakwater in the *Isle of Portland;* and to make further Provisions for the Division and Application of the Purchase Money.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act for carrying into effect an Agreement entered into between "The *Suffolk and General Country Amicable* Insurance Office," and "The *Alliance British and Foreign* Life and Fire Assurance Company."

ii. An Act to authorize the *Bristol* Waterworks Company to raise a further Sum of Money.

iii. An Act to give further Powers to the *Birkenhead* Improvement Commissioners for purchasing the *Woodside Ferry*, and for regulating their Mortgage Debt and facilitating the Sale of their Lands at *Birkenhead.*

iv. An Act for better assessing and collecting the Poor's Rates, Highway Rates, the County, Shire Hall, Police, and other County Rates in the Parish of *West Bromwich* in the County of *Stafford*, and the Township of *Oldbury* in the Parish of *Hales Owen* in the county of *Worcester*, and which parish of *West Bromwich* and Township of *Oldbury* are situate within the *West Bromwich* Poor Law Union.

v. An Act to enable the Commissioners acting under an Act passed in the Sixth Year of the Reign of ~~His~~ late Majesty King *George* the Fourth, for better regulating, paving, improving, and managing the Town of *Brighthelmston* in the County of *Sussex*, and the Poor thereof, to purchase, improve, and manage the Royal Pavilion at *Brighton*, and the Grounds thereof, and to enlarge, extend, and apply the Powers and Provisions of the same Act with reference thereto.

vi. An Act to authorize an Alteration in the Line of the *Buckinghamshire* Railways at *Oxford.*

vii. An Act to extend the Time for the Purchase of certain Lands required for the *South Wales* Railway, and to amend the Acts relating thereto.

viii. An Act to authorize the *Wakefield* Borough Market Company to purchase certain Lands for a Market Place, and to make Approaches thereto.

ix. An Act for better enabling the Clerical, Medical, and General Life Assurance Society to sue and be sued; and to alter certain Provisions of their Deed of Constitution; and to give further Powers to the Society.

x. An Act to change the Name of "The Architects, Civil Engineers, Builders, and General Fire and Life Insurance, Annuity, and Reversionary Interest Company;" and for other Purposes relating to the Company.

xi. An Act to extend the Time for the Purchase of Lands required for the Completion of the *Dublin and Belfast Junction* Railway, and to amend the Acts relating to such Railway.

xii. An Act for the more effectual Drainage and Improvement of certain Lands in the Parishes of *Ramsey*, *Upwood*, and *Great Raveley*, all in the County of *Huntingdon.*

xiii. An Act for improving the *Glasgow and Shotts* Turnpike Roads.

xiv. An Act to enable the *Londonderry and Enniskillen* Railway Company to extend their Line of Railway from *Strabane* to *Omagh;* and to amend the Acts relating to the said Company.

xv. An Act to amend the *Walsall* Improvement and Market Act, 1848, and for other Purposes.

xvi. An Act for extinguishing the Vicarial Tithes in the Parishes of *Kew* and *Petersham* in the County of *Surrey;* for confirming and regulating the Pew Rents of the Churches of the said Parishes; for authorizing the Division of the Vicarage of *Kew* and *Petersham;* and for other Purposes relating to such Vicarage.

xvii. An Act for completing the Line of the *Londonderry and Coleraine* Railway, with Branch to *Newtownlimavady*, and for amending the Acts relating thereto.

xviii. An Act to change the Name of the Licensed Victuallers and General Fire and Life Assurance Company to the *Monarch* Fire and Life Assurance Company, and for better enabling the said Company to sue and be sued; and to give additional Powers to the said Company.

xix. An Act to authorize a Transfer of the Undertaking and Powers of "The *Carlisle* Gaslight and Coke Company" to the Mayor, Aldermen, and Citizens of the City of *Carlisle;* to enable them to light the said City and the Environs thereof, and to raise Money for such Purposes; to repeal or amend and extend the Powers of the several Acts for lighting the said City and Environs; and for other Purposes.

xx. An Act for better regulating the Privileges of the Faculty of Physicians and Surgeons of *Glasgow*, and amending their Charter of Incorporation.

xxi. An Act for incorporating the Colonization Assurance Company, and conferring certain Privileges on the said Company.

xxii. An Act to incorporate the Society of the Guildry Fund of *Elgin;* to enable the said Society to sue and be sued; to regulate the said Society; and for other Purposes relating thereto.

xxiii. An Act for enabling Her Majesty to grant a new Charter to the Royal College of Surgeons of *Edinburgh*, and for conferring further Powers on the said College.

xxiv. An Act to enable the *Exeter and Crediton* Railway Company to enlarge their *Cowley Bridge* Station, and to raise a further Amount of Capital.

xxv. An Act for better enabling the *Guardian* Fire and Life Assurance Company to sue and be sued, and to alter certain Provisions of their Deed of Settlement, and to give further Powers to the Company.

xxvi. An Act to amend the Act relating to the *Shrewsbury and Hereford* Railway Company.

xxvii. An Act to extend the Time for the Sale of such Lands belonging to the Company of Proprietors of the *Forth and Clyde* Navigation as may not be required for the Purposes of the said Navigation, and to amend the Acts relating thereto.

xxviii. An Act for better supplying *Childwall, Thingwall, Little Woolton, Much Woolton*, and *Gateacre*, all in the County of *Lancaster*, with Water.

xxix. An Act to amend the Acts relating to the *Waterford and Limerick* Railway, and for other Purposes.

xxx. An Act for granting Facilities for the Use of certain Portions of the *Eastern Counties* Railways by the *London and Blackwall* Railway Company; and for amending the Acts relating to the *London and Blackwall* Railway.

xxxi. An Act to enable the *South-eastern* Railway Company to raise a further Sum of Money.

xxxii. An Act to explain and amend the *New North Road* Act, 1849.

xxxiii. An Act for regulating legal Proceedings by or against the Committee of Railway Companies associated under the Railway Clearing System, and for other Purposes.

xxxiv. An Act for supplying the Burghs of *Dumfries* and *Maxwelltown* and Suburbs with Water.

xxxv. An Act to authorize Deviations in the Line of the *South Yorkshire, Doncaster, and Goole* Railway, the Extension of the *Elsecar* Branch of the said Railway to *Tankersley*, and the Amendment of the Acts relating to the said Railway.

xxxvi. An Act to enable the *East and West India Docks and Birmingham Junction* Railway Company to make certain Branch Railways, and to amend the Act relating to the said Company, and to authorize the Lease of the said Undertaking, and for other Purposes.

xxxvii. An Act for regulating the Markets and Fairs held within the Borough of *Cambridge*, and at *Reach* in the County of *Cambridge*, and for enlarging the Market Place, and for rebuilding or altering the Guildhall of the said Borough, and for the Improvement of the said Borough, and the better Regulation of the Police within the same.

xxxviii. An Act to alter the Terms of Issue of the Shares in the Capital of the *York and North Midland* Railway Company, called the "*Hull and Selby* Purchase, &c. Shares;" to enable the said Company to hold Shares in the *Hull and Selby* Railway Company and in the *Malton and Driffield Junction* Railway Company; to alter, amend, and extend the Acts relating to the *York and North Midland* Railway Company; and for other Purposes.

xxxix. An Act to enable the *Dundee and Perth and Aberdeen* Railway Junction Company to raise a further Sum of Money, and for other Purposes.

xl. An Act for establishing Markets in and otherwise improving the Borough of *Bolton* in the County Palatine of *Lancaster*, and for extending the Provisions of the Acts relating to the *Bolton* Waterworks, and for other Purposes.

xli. An Act to enable the Corporation of *Swansea*, with the Consent of the Lords Commissioners of Her Majesty's Treasury, to subscribe for Shares in the *Swansea* Dock Company, and to raise Money for that Purpose, and to purchase the Interests of certain Lessees of Property belonging to the said Corporation; and for other Purposes.

xlii. An Act for providing, regulating, and maintaining a Cattle Market in the Borough of *Reading* in the County of *Berks*, and for constructing a convenient Market Place therein.

xliii. An Act to amend the Act relating to the Harbour of *Montrose*, and to enable the Trustees to borrow a further Sum of Money.

xliv. An Act to grant further Powers to the *South Wales* Railway Company with reference to the Creation of Shares and the Regulation of their Capital; and for other Purposes.

xlv. An Act to grant further Powers to the *Dublin and Drogheda* Railway Company for raising Money by the Creation of Shares, in lieu of borrowing on Mortgage; and to amend the Acts relating to the *Dublin and Drogheda* Railway.

xlvi. An Act for better assessing and collecting the Poor Rates, Highway Rates, and other Parochial Rates, the County, Shirehall, Police, and other County and local Rates, on Small Tenements, in the several Parishes, Townships, and Hamlets of *Stourbridge, Upper Swinford, Wallaston*, the *Lye, Wallescote, Cradley*, the Borough of *Halesowen, Hawn, Hasbury, Illy, Lutley*, the *Hill, Cakemore, Ridgacre*, and *Lapal*, in the County of *Worcester*, and *Kingswinford* and *Amblecote* in the County of *Stafford*, situate within and forming the *Stourbridge* Poor Law Union.

xlvii. An Act for extending the Times limited by "The *Swansea* Dock Act, 1847," for the compulsory Purchase of Lands and Execution of Works; and for other Purposes.

xlviii. An Act for uniting the Townships of *Snaith* and *Cowick* in the Parish of *Snaith* in the West Riding of the County of *York*, and for other Parochial or Township Purposes.

xlix. An Act for managing and repairing the Road leading from *Foxley Hatch* in the Parish of *Croydon* to the Town of *Reigate* in the County of *Surrey.*

l. An Act for lighting with Gas the Town of *Pontypridd* and the Neighbourhood thereof in the County of *Glamorgan.*

li. An Act to authorize the Construction of a Dock on the North Side of the River *Thames*, to be called " The *Victoria* (*London*) Dock."

lii. An Act for supplying the City of *Norwich* and the Neighbourhood thereof with Water.

liii. An Act to amend " The *Great North of England* Railway Purchase Act, 1846," and to enable the *York, Newcastle, and Berwick* Railway Company to complete the Purchase of the said Railway.

liv. An Act for extending the Time and continuing the Powers granted by " The *Eastern Union and Harwich* Railway and Pier Act, 1847," for the compulsory Purchase of Lands and Houses, and for the Completion of Works, and for enabling " The *Eastern Union* Railway Company" to create new Shares, with certain Privileges attached, for paying off their Mortgage Debt ; and for other Purposes.

lv. An Act to extend the Time for the Purchase of Lands required for certain Branches of the *North Staffordshire* Railway to *Newcastle-under-Lyme, Silverdale,* and the *Apedale* Ironworks.

lvi. An Act for making a new Street from the West Side of *Queen Street* to the South Side of *Saint Paul's Churchyard,* in continuation of the new Street from *Cannon Street* to the East Side of *Queen Street,* and for effecting other Improvements in the City of *London.*

lvii. An Act to authorize the abandoning of certain Portions of the *South Yorkshire, Doncaster, and Goole* Railway, a Deviation thereof near *Doncaster,* and the Amendment of the Acts relating thereto.

lviii. An Act to enable the *South Staffordshire* Railway Company to lease their Undertaking ; and for other Purposes.

lix. An Act to enable the Company of Proprietors of the *Kent* Waterworks to raise a further Sum of Money ; and to alter and amend the former Acts relating thereto.

lx. An Act for amending and extending the Powers and Provisions of the Act of the Seventh Year of the Reign of King *William* the Fourth, relating to the *Southampton* Waterworks, and for other Purposes.

lxi. An Act to amend the Acts relating to the *Great Northern* Railway, to authorize a Deviation at *Doncaster* and Two short Curves at *Peterborough,* and to alter the Tolls of the *Great Northern* and *East Lincolnshire* Railways.

lxii. An Act to enable the *Waterford and Kilkenny* Railway Company to raise further Capital ; and for other Purposes.

lxiii. An Act for the Improvement and Regulation of the River *Tyne* and the Navigation thereof, and for other Purposes.

lxiv. An Act to amend an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act for more effectually repairing the Road leaing from* Heronsyke *to* Kirkby in Kendal, *and from thence through* Shap *to* Eamont Bridge, *in the County of* Westmoreland, *and for making a new Road from the said Road at a Place called* Far Cross Bank *near* Kirkby in Kendal, *to communicate with the intended Canal from* Lancaster *to* Kirkby in Kendal. *and to join the said Road at or near a Place called the* Lound *near* Kirkby in Kendal *aforesaid* ; and to continue the Term by the same Act granted.

lxv. An Act to amend an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled *An Act for making and maintaining a Turnpike Road from the Turnpike Road leading from* Ulverstone *to* Kendal *into the Turnpike Road leading from* Millthorp *to* Kendal, *and a Continuation of the said Road from the last-mentioned Turnpike Road to join the Turnpike Road leading from* Lancaster *to* Kendal, and to continue the Term thereby granted.

lxvi. An Act for continuing the Term of an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for Building a Bridge over the River* Severn, *at or near to the* Mythe Hill *within the Parish and near to the Town of* Tewkesbury *in the County of* Gloucester, *to the opposite Side of the said River in the Parish of* Bushley *in the County of* Worcester, *and for making convenient Roads and Avenues to communicate with such Bridge, within the Counties of* Gloucester *and* Worcester, and of another Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for altering, amending, and enlarging the Powers and Provisions of an Act relating to the* Tewkesbury Severn *Bridge and Roads,* for the Purpose of paying off the Debt now due on the said Bridge and Roads.

lxvii. An Act for continuing and enlarging the Term and Powers of Three Acts, passed in the Reign of His Majesty King *George* the Third, for repairing and widening several Roads leading to and from the Towns of *Bala* and *Dolgelley* in the County of *Merioneth,* and other Roads therein mentioned, in the Counties of *Montgomery, Denbigh,* and *Salop,* and for repairing several other Roads in the Counties of *Merioneth* and *Denbigh.*

lxviii. An Act for the better supplying with Water the Town of *Reading* and the Hamlet of *Whitley* in the County of *Berks.*

lxix. An Act for supplying with Water the Town and Port of *Cardiff* and the Neighbourhood thereof, in the County of *Glamorgan.*

lxx. An Act to provide for the Erection of public Slaughter-houses for the City of *Edinburgh,* and for the Regulation of the same.

lxxi. An Act to amend and extend the Provisions of the Act relating to the *Garstang and Heiring Syke* Turnpike Road.

lxxii. An Act to extend the Powers of the *Newcastle-upon-Tyne and Carlisle* Railway Company, and to amend Acts relating to their Railway.

lxxiii. An Act to incorporate the Members of the Shipwrecked Fishermen and Mariners Royal Benevolent Society, and to enable them better to carry into effect their charitable Designs.

lxxiv. An Act to extend the *Wolverhampton* Waterworks, and to amend the Act relating thereto.

lxxv. An Act for better supplying with Water the Borough of *Salford*, and for the further Improvement of the said Borough.

lxxvi. An Act to extend the Powers of the *Dundalk and Enniskillen* Railway Company for the Purchase of Lands and Completion of Works on Part of their Railway; and for other Purposes.

lxxvii. An Act for extending and amending the Acts for regulating and improving the Borough of *Newcastle-upon-Tyne*.

lxxviii. An Act for enabling the *Aberdeen* Railway Company to raise a further Sum of Money, and to alter their Station and the Levels of their Railway at and near *Aberdeen;* for repealing "The *Great North of Scotland* Railway Act, 1847;" for altering, amending, and extending the Acts relating to the *Aberdeen* Railway; and for other Purposes.

lxxix. An Act for repealing an Act relating to the Borough of *Bradford* in the County of *York*, and for better paving, lighting, watching, draining, and otherwise improving the said Borough, and for the better Regulation and Management thereof.

lxxx. An Act to extend the Time limited by the *Liverpool* Corporation Waterworks Act, 1847, for purchasing Lands and constructing the Works authorized by such Act, and for other Purposes.

lxxxi. An Act for continuing the Term of the *Cromford and Newhaven* Turnpike Road Act, and for other Purposes.

lxxxii. An Act for confirming an Agreement for the Sale of the Freehold and Leasehold Hereditaments and Premises, Works, Property, Gear, and Fixtures, of the *Poplar* Gaslight Company, to the *Commercial* Gas Company, and for the Dissolution of the *Poplar* Gaslight Company.

lxxxiii. An Act to enlarge the Powers of the *Lancashire and Yorkshire* Railway Company, and to amend the Acts relating to their Undertakings.

lxxxiv. An Act for continuing the *Godstone and Highgate* Turnpike Trust for a limited Period, for the Purpose of paying off the Mortgage Debt.

lxxxv. An Act for repairing the Road leading from a certain Point in the *Kennington Road* in the Parish of *Saint Mary Lambeth* in the County of *Surrey* to *Highgate* in the County of *Sussex*, and thence to *Witchcross* in the same County, and several other Roads therein mentioned.

lxxxvi. An Act for forming and regulating the *British* Electric Telegraph Company, and to enable the said Company to work certain Letters Patent.

lxxxvii. An Act for more effectually repairing and improving the Road from *Rochdale*, through *Bamford* and *Birtle*, to *Bury*, and several other Roads therein mentioned, all in the County Palatine of *Lancaster*.

lxxxviii. An Act to enable the *Midland Great Western* Railway of *Ireland* Company to make certain Deviations in the Line of their Railway, and for other purposes.

lxxxix. An Act for extending and amending the Powers of the Timber Preserving Company's Acts; and to enable the Company to buy, improve, and sell Substances to be preserved, and to work Mills and Machinery.

xc. An Act for continuing the Term of "The *Birmingham and Pershore* Turnpike Road Act," and for other Purposes.

xci. An Act for contructing a Bridge across the River *Clyde*, opposite to *South Portland Street, Laurieston, Glasgow*.

xcii. An Act to amend "The *Gorbals* Gravitation Water Company Act, 1846," to authorize the Extension of the Works, and the Construction of new Works to supply the Town or Royal Burgh of *Rutherglen* and other Places with Water.

xciii. An Act for better paving, lighting, watching, cleansing, and otherwise regulating and improving the City and Township of *Peterborough* in the Liberty of *Peterborough* in the County of *Northampton*, and for establishing a Cemetery therein.

xciv. An Act to make better Provision for raising Funds to complete the Railway and Dock Undertakings of the *Manchester, Sheffield, and Lincolnshire* Railway Company, and for other Purposes.

xcv. An Act to authorize certain Alterations in the Line of the *Liverpool, Crosby, and Southport* Railway, and for other Purposes.

xcvi. An Act for paving, draining, cleansing, lighting, and otherwise improving the Township of *Bilston* in the County of *Stafford*, and for establishing a Local Board of Health in that Township; and also for better supplying with Water and Gas the said Township of *Bilston*, and for constructing Cemeteries there, and for purchasing, improving, maintaining, and regulating the Market and Market Place therein; and for other purposes.

xcvii. An Act for the Dissolution of the *East of Fife* Railway Company, and for the Abandonment of the Railway.

xcviii. An Act to enable the *West Cornwall* Railway Company to make a Deviation in and a Branch Railway from their authorized Line of Railway; and for other purposes.

xcix. An Act to enable the *Liverpool, Crosby, and Southport* Railway Company to sell or lease their Railway to the *Lancashire and Yorkshire* Railway Company.

c. An Act to carry into effect Arrangements made between the Commissioners of Her Majesty's Woods and the Trustees of the *Birkenhead* Docks; to Amend the Acts relating to the said Docks, and to extend the Time for Completion of Works; and for other Purposes.

ci. An Act for the Extension and better Regulation and Management of the Markets and Slaughter-houses in the City of *Glasgow*.

cii. An Act for amending and enlarging the Powers and Provisions of "The *Westminster* Improvement Act, 1845," and "The *Westminster* Improvement Act, 1847," to extend the Time for the compulsory Purchase of Lands, and for other purposes.

ciii. An Act for continuing the Term of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Saint John's *Chapel in the Parish of* Saint Marylebone *to the North-east End of* Ballard's Lane, *abutting upon the* North Road *in the Parish of* Finchley, *with a Branch therefrom, in the County of* Middlesex, for the Purpose of paying off the Debt now due on the said Roads, and providing for the future Management thereof.

civ. An Act for better constituting the District Church of *Saint Michael, Chester Square,* in the County of *Middlesex.*

cv. An Act to give Effect to certain Securities upon the Rates authorized to be levied under the *Wolverhampton* Improvement Act.

cvi. An Act for incorporating "The Class A. Shareholders of the *St. Andrew's and Quebec* Railroad Company," and conferring on them certain Powers.

cvii. An Act for facilitating the Erection of a Church to be called "*St. Gabriel's*" in the District Parish of *St. Peter Pimlico* in the County of *Middlesex*, and for other Purposes.

cviii. An Act for better improving the Borough of *Belfast.*

cix. An Act to alter and amend the Acts relating to the Navigation of the River *Lee* in the *Counties of Hertford, Essex,* and *Middlesex;* and to enable the Trustees further to improve the Navigation and to dispose of the surplus Water; and for other Purposes.

cx. An Act to amend the Acts relating to the *Oxford, Worcester, and Wolverhampton* Railway Company, and to confer additional Powers upon the same Company and upon certain other Companies, and for other Purposes.

cxi. An Act to enable the *Hartlepool* West Harbour and Dock Company to alter and improve their Harbour and construct additional Works; and for amending an Act passed in the Tenth Year of the Reign of Her present Majesty, called "The *Hartlepool* West Harbour and Dock Act, 1847."

cxii. An Act to enable the Commissioners of *Westminster Bridge* to build a temporary Bridge across the *River Thames* from *Bridge Street* in the City of *Westminster* to the opposite Shore in the County of *Surrey.*

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act for the Management of the Allotments made to the Freemen of *Nottingham* by virtue of certain Acts for inclosing Lands in the Parish of *Saint Mary* in the Town and County of the Town of *Nottingham*.
2. An Act to authorize the granting of Building and Improvement Leases of the settled Estates of *Elizabeth Lydia Brigstocke*, situate in the Town of *Ryde* in the *Isle of Wight*.
3. An Act to authorize the Purchase by the *Prussian* Minister of a Residence in *England* for the Use of the *Prussian* Legation, and to regulate the future holding of the same.
4. An Act to authorize the Sale of certain Real Estates situate at *Hoddesdon* in the County of *Hertford*, and in the Parish of *Saint James Westminster* in the County of *Middlesex*, and in *Tottenham Court Road* in the said County of *Middlesex*, which belonged to the late *René Briand* deceased.
5. An Act for authorizing certain Agreements between the Chancellor and Council of Her Majesty's Duchy of *Lancaster* and Sir *Peter Hesketh Fleetwood* Baronet to be carried into effect; and for other Purposes.
6. An Act for confirming and carrying into effect an Exchange heretofore made or attempted to be made between the Right Honourable *George* late Earl of *Shrewsbury* and *John Grace* of *Whitby* in the County of *Chester*, deceased.
7. An Act for confirming certain Leases granted by the Mayor and Commonalty and Citizens of the City of *London*, Governors of the Possessions, Revenues, and Goods of the Hospital of *Edward* late King of *England* the Sixth, of *St. Thomas the Apostle*, commonly called *St. Thomas's* Hospital, and for enabling them to grant Building and other Leases of their Estates.
8. An Act for carrying into effect a Contract for the Sale of Messuages and Lands situate in the Parish of *Barford* in the County of *Warwick* belonging to the Rectory of the same Parish, and for vesting in Trustees certain Cottages and Lands situate in the Parish of *Barford* aforesaid, being part of the Real Estate devised by the Will of *Jane Mills* Widow, deceased, upon trust to complete a Contract for the Sale thereof.
9. An Act for creating Powers of Sale in the Freehold and Copyhold Estates comprised in the Marriage Settlement of *William Bernard Harcourt*, deceased, with *Elizabeth Georgiana Harriet* his Wife.
10. An Act for establishing a School for Orphans of Freemen of the City of *London*.
11. An Act to authorize the Trustees of certain Estates called the *Chandos* Estates, settled by a Deed dated the Third Day of *May* One thousand eight hundred and twenty-eight on the Most Noble *Richard Plantagenet* Duke of *Buckingham and Chandos* and his Issue, to lay out the Monies produced by Sales of Parts of the same Estates in the Purchase of the Family Estates of the said Duke of *Buckingham and Chandos* called the *Buckingham* Estates, notwithstanding certain Family Charges thereon, either with an Indemnity against such Charges, to be approved by the Court of Chancery, or with a proportionate Deduction from the Purchase Money; to extend the Powers of re-investing a Part of the same Monies; and to authorize the granting of Building Leases of Parts of the first-mentioned Estates; and for other Purposes.
12. An Act to enable the Trustees of the Will of the late Sir *John Lowther Johnstone* Baronet, deceased, to grant Building and Repairing Leases for Ninety-nine Years of the Estate devised by the said Will situate in the Boroughs of *Weymouth* and *Melcombe Regis* and in the Parish of *Radipole* in the County of *Dorset*, and for other Purposes.
13. An Act for giving Effect to a Compromise relating to the Estate of the Right Honourable *George Alan* Viscount *Middleton*, deceased, and, with a view thereto, for vesting the Estates in *England* and *Ireland* late of the said Viscount *Middleton* in Trustees; and for other Purposes.
14. An Act to enable the Trustees of the Will of the Right Honourable *Henry* Earl of *Thanet* deceased to raise Money upon the Security of his Estates, for the Repair and Improvement of the Buildings thereon.
15. An Act to enable the Right Honourable *Henry* Earl of *Effingham* and others to grant

Building, Mining, and other Leases of certain Freehold Estates in the Townships of *Rotherham* and *Kimberworth* in the County of *York*, devised by the Will of the Right Honourable *Richard* late Earl of *Effingham;* and for other Purposes.

16. An Act for authorizing the Sale of Estates in the County of *York* devised by the Will of Sir *Henry Maghul Mervin Vavasour* Baronet, deceased; and for other Purposes.

17. An Act to authorize the Trustees of the Will of *William Mellish* Esquire, deceased, to invest a Portion of the Funds subject to the Trusts of the said *William Mellish* in the Purchase of the Family Estates in *Ireland* of the Right Honourable *Richard* Earl of *Glengall.*

18. An Act to enlarge and consolidate the Provisions of Two Acts of Parliament relating to the Estates of *John Bowes* late Earl of *Strathmore.*

PRIVATE ACTS,

NOT PRINTED.

19. An Act to dissolve the Marriage of *John Bernard Hartley* Esquire with *Harriet Say Hartley* his now Wife, and to enable him to marry again; and for other Purposes.

20. An Act to dissolve the Marriage of *Thomas Cobbe* Esquire with *Azelie Anne Cobbe* his now Wife, and to enable him to marry again; and for other Purposes.

21. An Act to dissolve the marriage of Lieutenant-Colonel *Proby Thomas Coutley* and *Frances* (his now Wife), and to enable him to marry again; and for other Purposes.

22. An Act to dissolve the Marriage of *William Chippindall* with *Mary Anne Chippindall* his now Wife, and to enable him to marry again; and for other Purposes.

23. An Act to dissolve the Marriage of the Reverend *Edward Quenby Ashby* with *Elizabeth Sophia* his now Wife, and to enable him to marry again; and for other Purposes.

24. An Act to dissolve the Marriage of the Right Honourable *Henry Pelham Pelham Clinton* commonly called Earl of *Lincoln* with the Honourable Lady *Susan Harriet Catherine Pelham Clinton* commonly called Countess of *Lincoln* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.

25. An Act to dissolve the Marriage of *Georgina Hall* with *Henry Foley Hall* her now Husband, and to enable the said *Georgina Hall* to marry again; and for other Purposes therein mentioned.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE THIRD SESSION OF

THE FIFTEENTH PARLIAMENT OF THE UNITED KINGDOM,

13° & 14° VICTORIA,

1850.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Comm.* Select Committee.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.— *l.*, Lords.— *c.*, Commons — *m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.— *p. q.*, Previous Question.— *r. p.*, Report Progress.—*A.*, Ayes.— *N.*, Noes.—*M.*, Majority.— 1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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Vol. CX. page 194, line 12, *for* the Earl of Ilchester, *read* the Earl of Chichester.
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